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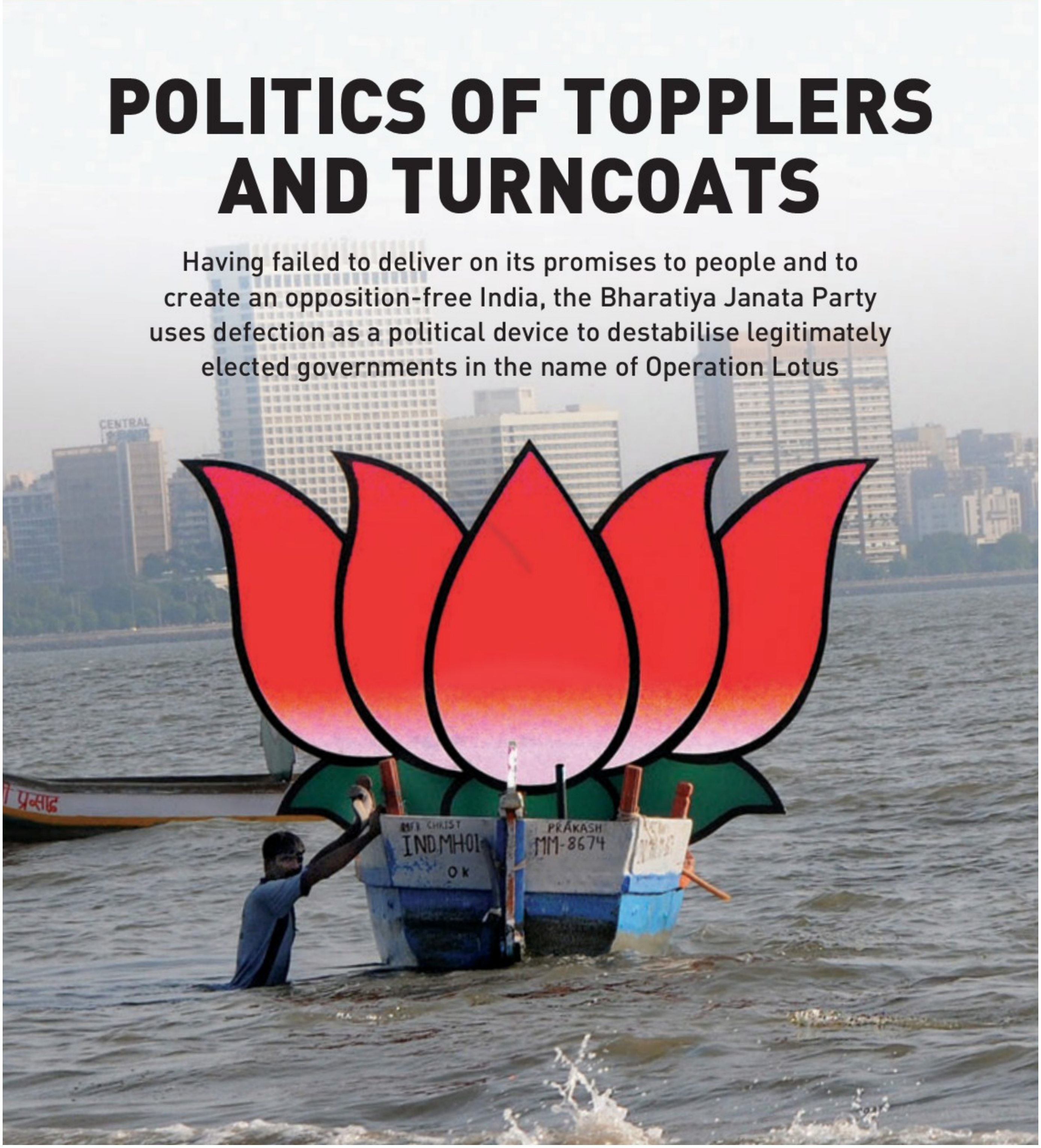

POLITICS OF TOPPLERS AND TURNCOATS

Having failed to deliver on its promises to people and to create an opposition-free India, the Bharatiya Janata Party uses defection as a political device to destabilise legitimately elected governments in the name of Operation Lotus

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A cut-out of the BJP's lotus symbol in the Arabian Sea off the Mumbai coast. A file picture.

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COVER STORY

BY HOOK OR

BLOOMBERG

PRIME MINISTER Narendra Modi and Amit Shah, the then BJP president, at the release of the party manifesto in New Delhi on April 8, 2019.

BY CROOK

In the face of its failure to achieve its goal of a Congress-free India, the Bharatiya Janata Party is on a spree of toppling legitimately elected governments through foul means, making a mockery of democracy.

BY **VENKITESH RAMAKRISHNAN**

THE SLOGAN CONGRESS-*MUKT* BHARAT (Congress-free India) was raised by Narendra Modi in 2013 early in the run-up to his successful campaign for the 2014 general election, as the prime ministerial candidate of the Bharatiya Janata Party (BJP). The Congress-led United Progressive Alliance (UPA) government was reeling under a spate of allegations, including corruption charges against Ministers, policy paralysis and directionless governance. All these factors had added to the anti-incumbency sentiment that the 10-year regime of the Manmohan Singh-led UPA faced after two consecutive terms.

Naturally, the slogan found much resonance among the electorate and the Congress was pushed down to its lowest ever tally of 44 seats in the 2014 Lok Sabha election. After assuming office as Prime Minister, Modi continued to harp on the slogan in the string of Assembly elections that followed in different States. The slogan's efficacy was evident from the BJP's striking victories in Assembly elections in Maharashtra, Haryana and Jharkhand, in 2014.

After tasting victory, Modi elaborated on the slogan. His explanation was that the slogan was not just about inflicting a series of electoral defeats on the grand old party of India but was about ridding the country of the "venal Congress culture".

MODI'S 'THESIS'

Modi went on to add that for several decades since Independence, the Congress had been the main pillar of Indian politics and that, as a consequence, its culture had spread to all the parties in the political spectrum and governance systems. In his view, this was a culture marked by corruption, casteism, dynastic politics, exploitation, treachery and an overwhelming urge to have total control over power, violating the basic tenets of democracy. Thus, his call for a "Congress-*mukt* Bharat" was not merely a straightforward electoral presentation but had significant import in terms of the larger political situation in the country.

It was clear that the slogan was not just about the Congress but about erasing the political relevance of all parties who shared the "Congress culture". Evidently, "Congress-*mukt* Bharat" was a euphemism for "Opposition-*mukt* India".

An important point that Modi used to stress in these expositions was what he called the overarching and aggressive pursuit of power by the Congress right from the days of the first Prime Minister of the country, Jawaharlal Nehru. While talking about this, Modi used to elaborate on how the Congress employed vile means, including threats, blackmail, policies of appeasement and bribes, to wean away politicians from other parties and break them.

Modi's steady contention was that the Congress had no sense of democracy in reference to the larger political system and relationship with other parties. As for internal democracy, it was totally non-existent in the Congress' organisational structure, he said.

MIRROR OF CONGRESS

Some seven and a half years after Modi vociferously held forth on these points, now it is the BJP's own aggressive hunt for political power in the States that represents all the characteristics attributed to the Congress by him. In other words, it is the contemporary BJP, led by Narendra Modi and his associates like Amit Shah, which has become the epitome of "Congress culture" and its hubris as defined by Modi himself.

Recent developments in West Bengal and Puducherry, where all sorts of blandishments and intimidations were unleashed on politicians belonging to rival parties, have made this trait all too conspicuous. In Puducherry, Members of the Legislative Assembly belonging to the Congress were allegedly bought over by deploying crores of rupees to bring down the Congress-Dravida Munnetra Kazhagam (DMK) government barely a few days before the election date for the next Assembly was announced. In West Bengal, the BJP employed the same tactics to lure scores of Trinamool Congress leaders to its side.

Several instances in Indian history underscore the

ATISH POMBURFEKAR

FORMER GOA CHIEF MINISTERS Digambar Kamat, Luizinho Faleiro, Pratapsingh Rane, and Ravi Naik, along with Curtorim MLA Reginald Lawrenco, on the second day of the Assembly session on July 16, 2019. They were the only Congress MLAs left after 10 legislators from the party defected to the BJP.

deficiency of political morality in the BJP and its associates in the Rashtriya Swayamsevak Sangh (RSS)-led Sangh Parivar.

They include the sustained efforts to undermine the national liberation struggle in the period between the early 1920s to the late 1940s, the assassination of Mahatma Gandhi following the attainment of Independence, the rejection of the Constitution and the national flag, the demolition of the Babri Masjid in December 1992 after giving an assurance to the Supreme Court about a "peaceful kar seva", the flip-flops made by its leaders like Lal Krishna Advani on the anti-defection laws at different points in time, and the anti-Muslim genocide carried out in Gujarat when the BJP was in power in the State and Modi was the Chief Minister.

The track record of the Modi regime at the Centre, through his two terms as Prime Minister, showed that political morality has reached a new low.

A major reason for the high visibility of this plunge is the self-righteous propaganda that Modi unleashed against the 'Congress culture' and the holier-than-thou aura he has sought to create around himself right from the days of his campaign as the BJP's prime ministerial candidate in 2013-14.

Early in his term as Prime Minister and in the background of a series of electoral victories in State Assemblies, his expositions evoked considerable public appreciation.

However, by the end of the first year of his first term, the excitement created by these pontifications started to ebb on account of the government's many evident failures in terms of strengthening the rural agrarian economy and ensuring communal harmony.

The Bihar Assembly election in November 2015 highlighted the slogan's waning appeal. The new grand alliance that came up in the State through the association of the Rashtriya Janata Dal (RJD), the Janata Dal (United) or JD (U) and the Congress trounced the BJP-led National Democratic Alliance (NDA) and stormed to power with Nitish Kumar of the JD (U) as Chief Minister. The Congress too was back in action as a junior partner in governance.

The Assembly elections in the following years too underscored the fact that despite substantive gains in States such as Assam and Tripura, the BJP was far from either creating a "Congress-*mukt* Bharat" or "eradicating the Congress culture".

Statistically, of the five States that had Assembly elections in 2016, the BJP could gain power only in Assam.

Of the other four, West Bengal and Tamil Nadu were retained by the Mamata Banerjee-led Trinamool Congress and the Jayalalithaa-led All India Anna Dravida Munnetra Kazhagam (AIADMK), while the Communist Party of India (Marxist)-led Left Democratic Front (LDF) wrested Kerala from the Congress-led United Democratic Front (UDF), and Puducherry was won by a Congress-DMK alliance.

In the Assembly elections held in 2017, the BJP easily won Uttar Pradesh, Himachal Pradesh and Uttarakhand, its traditional strongholds, but faced a stiff fight in Modi's own State of Gujarat from the Congress. The BJP did return to power here, but undoubtedly it was a Pyrrhic victory. In Punjab the BJP's alliance with the Shiromani Akali Dal (SAD) was squarely defeated, again by the Congress.

The elections in the smaller States of Goa and Manipur threw up hung Assemblies with the Congress emerging as the single largest party in both places, but the BJP used its well-oiled party machinery and money and muscle power to form governments in both.

The Assembly election results of 2018 were an

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V. NARAYANASAMY, Chief Minister of Puducherry, leading a candlelight protest against the BJP for encouraging horse trading in Karnataka and Goa, on July 14, 2019.

absolute shocker for the BJP as they showed the failure of its "Congress-*mukt* Bharat" slogan.

THE NORTHERN SHOCK

In the major northern States of Madhya Pradesh, Rajasthan and Chhattisgarh, the Congress defeated the BJP and wrested power. The southern State of Karnataka too elected the opposition alliance of the Janata Dal (Socialist) and the Congress.

While the victory in Chhattisgarh was comprehensive, the Congress had only slender majorities in Madhya Pradesh and Rajasthan.

Immediately after the results, the BJP leadership embarked on toppling games in Madhya Pradesh, Karnataka and Rajasthan. The attempts succeeded in Karnataka in July 2019 and in Madhya Pradesh in March 2020, when the BJP managed to wean away several Congress MLAs. In Madhya Pradesh it also got a prize catch in the form of senior Congress leader Jyotiraditya Scindia. Similar games were tried out in Rajasthan where the party attempted to lure Sachin Pilot, but the Congress managed to mollify him and staved off a crisis.

The BJP did score big in the Lok Sabha election of 2019 riding on a "wave of patriotism and jingoism" created by the Pulwama terrorist attack in the run-up to the elections (see *Frontline*, March 12, 2021). However, the Assembly elections in 2019 did not reflect the same dominance. Long-term BJP ally Shiv Sena gave the BJP a taste of its own medicine when it ditched the saffron party and joined hands with the Congress and the Nationalist Congress Party (NCP) to form the government.

Jharkhand elected a coalition government led by the Jharkhand Mukthi Morcha (JMM) and the Congress with a clear majority. Haryana threw up a hung Assembly and the BJP was forced to seek the support of the Jannayak Janata Party (JJP) to form the government. In 2020, Delhi rejected the BJP once again, re-electing the Aam Aadmi Party (AAP), while in Bihar, the opposition alliance comprising the RJD, the Congress and the Left parties put up a spirited fight and the JD (U)-BJP alliance barely scraped through.

It is in the background of these reverses suffered by the "opposition-*mukt* Bharat" idea and the intense urge to somehow post electoral gains that the party's manoeuvres in West Bengal and Puducherry unfolded. Along with these two States, Kerala, Assam and Tamil Nadu will go to the polls in March-April.

The BJP's adoption of "Congress culture" as defined by Modi is so thorough and complete that even in a State like Kerala where the party has no electoral clout, the regime has deployed Central agencies including the Enforcement Directorate, the Customs and the National Investigation Agency (NIA) to cook up cases against several people, including leaders of the LDF government as well as senior officials.

Once again exposing the party's complete assimilation of the "Congress culture", Kerala State BJP president K. Surendran publicly claimed that even if the BJP was able to win 40 to 50 seats in an Assembly of 140 seats, it would form the government in the State. How is this possible? The only answer to this question is horse trading, wheeling-dealing, employing strong-arm tactics and offering blandishments to legislators.

Indications from within the BJP are that once the current round of Assembly elections is over, the party and the Union government's machinery would once again concentrate on Maharashtra, Jharkhand and Rajasthan, with plans to topple the opposition governments there. The successful manoeuvres in Karnataka and Madhya Pradesh as well as the unsuccessful ones in Maharashtra, Rajasthan and Jharkhand were named "Operation Lotus" by BJP and Sangh Parivar insiders. Apparently, the operations planned for the near future are also titled "Operation Lotus 2021".

According to the insiders, the earlier moves in Maharashtra, Rajasthan and Jharkhand failed because the Madhya Pradesh-Karnataka formula was not properly followed. The latter formula apparently involved spending crores of rupees to buy out the MLAs and make them resign.

An influential Bengaluru-based businessman considered close to the BJP State leadership said: "The quantum of money you require for this type of operation runs into thousands of crores. While handling that kind of money, some handlers go wrong and pursue their own personal interests and vices. This is what happened to some legislators of Karnataka who got named in some recent sex scandals."

Once upon a time, the BJP used to call itself a "party with a difference", highlighting the shenanigans of leaders and activists of other parties, but with its absolute adoption of the "Congress culture", the masks are off and the mantra within the BJP and the Sangh Parivar is capture of power, whatever the cost. □

Theatre of the absurd

The coordinated resignations of legislators in Puducherry just ahead of the Assembly election smack of the BJP's devious plans to topple governments. BY **R.K. RADHAKRISHNAN**

ON FEBRUARY 22, THE CONGRESS-LED government in Puducherry, which came to power with an absolute majority in 2016, was reduced to a minority. The ruling coalition had 19 MLAs in a House of 30 elected MLAs. In the past five years, the government had gone about its business implementing populist schemes and fulfilling people's demands while being constantly at loggerheads with the Lieutenant Governor (L-G), the administrator appointed by the Centre. The dramatic turn of events began with a spate of coordinated resignations.

The Puducherry Assembly has three nominated MLAs, too, which puts the effective strength of the House at 33. Significantly, these MLAs have the right to vote on some occasions, including during a vote of confidence.

In the 2016 Assembly election, the Congress won 15 seats, and its ally, the Dravida Munnetra Kazhagam (DMK), three. An independent MLA supported the ruling coalition. After three MLAs were nominated, two of them office-bearers of the local unit of the Bharatiya Janata Party (BJP) and one a party sympathiser, the ruling coalition's strength became 19 in a House of 33.

On May 28, 2016, the Centre dispatched Kiran Bedi, a former Indian Police Service officer who was the BJP's chief ministerial candidate in Delhi in 2015 and who lost badly in the Krishna Nagar constituency, to Puducherry to take charge as L-G. Her brief was to "deal" with the new government, which was formed under the leadership of Chief Minister V. Narayanasamy.

Despite administrative hiccups, the L-G could not rock the Congress government. In July 2020, Speaker V.P. Sivakolundhu disqualified one Congress MLA, N. Dhanavelou, who had been up in arms against the Narayanasamy-led government, under the provisions of the anti-defection law. But what came as a shock was the resignation of A. Namassivayam, virtually the second in command of the Congress in the Union Territory and a person who held the purse strings. On January 25, he and another MLA, E. Theepainthan, his supporter, resigned. By the end of the month, both Namassivayam and Theepainthan joined the BJP at the party's headquarters in New Delhi.

The next in the line of engineered resignations—the new route adopted by the BJP across States—was that of Malladi Krishna Rao, a five-time legislator and Cabinet Minister. On February 15, the 56-year-old Krishna Rao,

T. SINGARAVELOU

MLA from Yanam since 1996, tweeted his resignation letter. Sivakolundhu said the letter had been sent to him via WhatsApp and that he was yet to receive the resignation letter by post. This came in subsequently, and his resignation was accepted.

The very next day, John Kumar, another MLA, claimed that he was "dissatisfied with the performance of the Congress government" and submitted his resignation to the Speaker. At this time, the ruling party and the opposition had 14 MLAs each. Responding to the media that day, the Speaker said that a decision on asking the government to prove its majority would be taken in due course. John Kumar resigned a day before Congress leader Rahul Gandhi was slated to visit Puducherry on an election campaign.

At a public meeting, Rahul Gandhi spoke plainly on the BJP's plans: "The Prime Minister... has insulted the vote of people of Puducherry.... Through the office of the Lieutenant Governor, Prime Minister Modi is repeatedly sending you a message that your vote doesn't matter. ...This is not an electoral battle for us. It's a battle for the spirit of Puducherry. It's a battle for you to live the way you want to live."

Even though the BJP was careful not to be overtly seen as toppling an elected government, no one in the Union Territory was fooled. The BJP's leaders from outside the State camped in Puducherry even as the issue gained traction across India. Despite the groundswell of public opinion against any hasty pulling down of the government, the BJP, operating through the L-G, went ahead with it.

V. NARAYANASAMY and ruling party members walking out of the Puducherry Assembly after the confidence motion on February 22.

KIRAN BEDI SACKED

Since her appointment as Lieutenant Governor, Kiran Bedi's job seemed to be to lay hurdles in the path of the elected government. In an interview she claimed that this was because she was not a rubber stamp ("Inherent contradictions", *Frontline,* June 9, 2017). The Kiran Bedi-Narayanasamy rift became so prominent that the Congress government launched multiple agitations against her; the last one was in January 2021 alleging that she was standing in the way of welfare schemes reaching the beneficiaries.

Hence, the news of her sacking came like a bolt from the blue. A February 16 Rashtrapathi Bhavan release said: "The President has directed that Dr Kiran Bedi shall cease to hold the office of the Lieutenant Governor of Puducherry and has appointed Dr Tamilisai Soundararajan, Governor of Telangana, to discharge the functions of the Lieutenant Governor of Puducherry...."

A sentence in her 2017 interview possibly holds the key to why Kiran Bedi was sacked. In that interview, asked about her differences with the Chief Minister, she said: "Mine is a constitutional position. I report to the Honourable President of India. I am bound by the law and the rules. The Lieutenant Governor's office enjoys no immunity. Hence, whatever I approve has to meet the standards of financial and administrative prudence." It follows that if she was asked to do something for which she would not have immunity, she would decline.

Kiran Bedi's sacking came as welcome news to the ruling Congress. Narayanasamy told the media: "In the last four and a half years, the L-G. has acted and behaved in the most disrespectful manner towards the people-elected government and has violated all the rules.... The number of protests done by the Secular Progressive Alliance and their request to the Central government to take back Kiran Bedi has been fulfilled."

The immediate spin put out by the opposition on her ouster was that the L-G was hugely unpopular because of her high-handed ways, and the second was her insistence on enforcing the helmet rule in Puducherry—a town where almost every family has at least one two-wheeler. The L-G had also earned flak for taking credit for all schemes, including a few implemented by non-governmental organisations.

In contrast, Tamilisai Soundararajan, a doctor by profession, who was removed as Tamil Nadu BJP chief and posted as Governor in Telangana, was seen as pliable and dependable. In fact, in a meeting to launch a book on the occasion of her completing one year as Governor in Telangana, she said she had done all that the Central government and the party leadership wanted her to do. In just over 10 days, she was given additional charge as Lieutenant Governor of Puducherry.

So, the change of administrator did not change the plans to topple the government, more so because she was part of the plan too. In the space of a month in 2021, five MLAs resigned. This included K. Lakshminarayanan, who resigned on February 21, a day before the new L-G ordered a trust vote. An MLA belonging to the DMK, K. Venkatesan, too, resigned despite a warning from the party's leadership. On February 22 morning, the Congress government was left with nine MLAs. Even though it had the support of two DMK MLAs and one independent, this was not enough for the party to reach the halfway mark of 13.

The other side had the support of 14 MLAs. The NR Congress, the main opposition party, had won eight seats in the 2016 election. One of its MLAs was disqualified following a conviction. The DMK later won the seat vacated by him. The NR Congress' ally, the All India Anna Dravida Munnetra Kazhagam (AIADMK), had four MLAs. With the three nominated MLAs the opposition tally was 14.

Narayanasamy had initially hoped that Speaker Sivakolundhu would pay heed to his appeal that the nominated MLAs should not be allowed to vote. The Chief Minister pointed out that the BJP members had, in fact, lost in the election and could not even redeem their

Of BJP's twin-track toppling game

Interview with V. Narayanasamy, former Chief Minister of Puducherry.

BY **R.K. RADHAKRISHNAN**

WHEN V. Narayanasamy was chosen as the Chief Minister of Puducherry over two-time Chief Minister V. Vaithilingam, and the face of the Congress in the 2016 Assembly election, A. Namassivayam, it raised more than a few eyebrows. But the manner in which he deftly negotiated the minefields laid by Lieutenant Governor (L-G) Kiran Bedi earned him praise both from within the party and outside. He nearly served the five-year term but had to resign after his party lost the majority in the Assembly on February 22, barely four days before the Election Commission announced elections to five States as well as the Union Territory of Puducherry. In an interview to *Frontline*, he says that despite the hurdles placed by the L-G, his government had managed to do a lot for the people of Puducherry.

You have consistently blamed L-G Kiran Bedi for not being able to deliver on development promises made to the people. What were you able to do for the people in the past five years?

Kiran Bedi worked according to the rules and statutes laid down for the Union Territory for about six months. After that, she kept returning files although she has to work on the advice of the Council of Ministers. Even then, we managed to doggedly pursue each file and each project, and made sure people got benefits out of these. We could have done much more if she had cooperated and worked for the welfare of the people.

The entire responsibility for people not getting fully benefitted is on the Central government and Prime Minister Narendra Modi, who appointed Kiran Bedi as L-G. On the one hand, I had to deal with the problems created by the Bharatiya Janata Party [BJP], and on the other, I had to deal with issues created by Rangasamy [NR Congress leader].

As for our achievements, we managed to construct five bridges. The morning meal scheme in schools was announced by the Centre only this year. We did it last year itself. For Dalit students, we started a scheme whereby free education is provided from nursery school up to the research level. This has not been done anywhere else. For students of Class 10 and 12, we provided palmtops.

We hiked the financial assistance for pucca houses for Adi Dravida people from Rs.4 lakh to Rs.5 lakh. Our 20-kg free rice scheme was greatly welcomed by the people. The L-G stood in the way and made it cash transfer in lieu of rice. For farmers, we have given free power for pump sets and waived cooperative loans. We also gave a financial grant to farmers which was much higher than that given by the Central government. We have given free crop insurance. So, there are four schemes for farmers alone.

We introduced a free life insurance scheme for all people. If we had been in power, we would have given the COVID vaccine to all people free of charge. We had already set apart money for this. For government employees, we gave full salary during the COVID-19 lockdown period whereas most States had either cut DA [dearness allowance] or the salary itself. All this was done despite the COVID-19 pandemic and while remaining well within our budget allocations.

How and why did MLAs and Ministers leave the party? This is not a sudden development...

Some of them claim that there was no development work. These Ministers had participated in Cabinet meetings. None of them raised it back then. They should have walked out earlier itself. Why did they not? They could have left after two years or three years. Why are they leaving after four years and nine months? They should come up with reasons that people believe.

What, according to you, is the reason for them leaving the party?

The BJP's plan is to topple [opposition] governments. They did it in Arunachal Pradesh, Manipur, deposits. But the Speaker did not listen to his appeal. (The Supreme Court, however, held that the MLAs could vote). Aware that his government could in no way prove its majority, Narayanasamy used the floor of the House to speak at length on the government's achievements and the impediments placed on its path by the Centre using the office of the Lieutenant Governor. This was broadcast live in Puducherry, and came as an eyeopener to people who had doubts when he pointed the finger at the L-G.

Narayanasamy kept at it for as long as he could. In the end, he did not wait for a show of hands for the trust vote and walked out with the remaining MLAs and his allies. The Speaker declared that the government had lost its majority. Later that afternoon, the Chief Minister submitted his resignation to the L-G.

Goa, Madhya Pradesh and Karnataka. It's the same strategy. Only in Rajasthan did they fail.

They [the BJP] specialise in going after politicians in opposition ranks, who have some case or the other registered against them. Then they send [a Central agency] such as the ED [Enforcement Directorate], IT [Income tax] or CBI [Central Bureau of Investigation]. Who will not be scared? This is one approach.

The other is to lure [the elected representatives] by offering them money. The plan was that by the time Prime Minister comes [on his scheduled visit to Puducherry] on February 25, Narayanasamy should not be Chief Minister. This was the plan.

What was the role of the nominated MLAs in the Assembly and how did they affect the Congress?

They were nominated without consulting the Cabinet. They did not accept our recommendation for MLAs.

Before 2016, when you assumed office, who had suggested the MLAs to be nominated?

So far, it is the government which suggests the names of who can be made a nominated MLA.

So what happened when you suggested names?

They [the Central government] did not accept. They nominated their people [from the BJP]. Initially, the Speaker did not allow them to participate. Later, we allowed, but we challenged this act of the Central government in the Madras High Court. Later, we went on appeal and the Supreme Court upheld the decision [to nominate the three BJP members as MLAs].

What do you think will be the biggest issue in this Assembly election?

We will take to the people the high-handed manner in which the BJP government has behaved. The people of Puducherry will give a befitting reply to the BJP and its allies.

SPEAKER SWITCHES SIDES

If it was not clear at the time of the February 22 session which side the Speaker was on, it became evident in just over a week: his brother V.P. Ramalingam joined the BJP in the presence of Union Home Minister Amit Shah, who was in Karaikal on an election campaign. Two other MLAs who quit just ahead of the trust vote—the DMK's K. Venkatesan and the Congress' John Kumar—also joined the BJP the same day. Sivakolundhu, who won from the Lawspet Assembly constituency in 2016, tendered his resignation to the L-G due to "health reasons". He refused to elaborate.

A senior journalist who has watched the developments in Puducherry for over a decade, said Narayanasamy's choice of Speaker had finally done him in. "A lot of MLAs have other interests. In fact, being a politician is not their first job. If Narayanasamy had appointed someone like K. Lakshminarayanan [he too left the party later], he would have been able to withstand the pressure from the Lieutenant Governor and the Centre much better," he said.

Narayanasamy said not much could be done once the Central government decided to violate the spirit of the Constitution. He said: "First and foremost, I want to thank all the Congress legislators who stayed on with the party, regardless of the pressure on them. This is not a simple thing. If you consider the threats and the inducements to force MLAs to quit, you will have an idea. You should talk to the MLAs who quit and ask them the exact reasons why. The primary reason is fear. They were threatened."

Dinesh Gundu Rao, Congress general secretary in charge of Goa, Tamil Nadu and Puducherry, did not mince words when he was asked who or what prompted the MLAs to quit. "The BJP under Modi and Shah are doing mafia raj in this country," he told the media on February 23. When it was pointed out that the BJP had denied any involvement, he asked: "Why would they [the legislators] go? Some of them have been Ministers with the best portfolios possible. No.2 position [Namassivayam]. Why would he go?... I know for a fact that Amit Shah himself has operated all these things.... If they were unhappy with the [Congress] government, they should have left one year back or two years back. Why leave when the elections are one month away?"

OPPOSITION'S VIEW

However, NR Congress leader N. Rangasamy said the Congress government collapsed under the weight of its own contradictions. "They could not prevent their MLAs from quitting. Why are they blaming others? Did MLAs from our party quit? This problem is wholly a creation of the Congress. It began right from the time the Congress government was formed. Now they are seeking to blame everyone else but themselves," he said. BJP leaders, too,

T. SINGARAVELOU

LEGISLATORS E. Theepainthan and A. Namassivayam with Speaker V.P. Sivakolundhu (right) after their resignation, in Puducherry on January 25.

held similar views and claimed that they had nothing to do with what was happening in the Congress. But this is a stand the BJP has taken all along in States where it has effected a regime change.

But what Rangasamy is referring to cannot be dismissed. The Congress went into the 2016 Assembly election with Namassivayam as the face of the party. Namassivayam is known as a good organiser and had a name within the party and outside. Soon after the election he claimed that he was told that he was the Chief Minister designate. But at the All India Congress Committee the tables were turned and Narayanasamy was named Chief Minister. Namassivayam was appointed Minister in charge of Public Works Department. He enjoyed the fruits of office, and the constant distraction by the Lieutenant Governor meant that most MLAs were with the Chief Minister. Namassivayam's chance came when the BJP got interested in toppling the government. He did not wait to think of the consequences of his actions: he quit, showed the BJP who in the Ministry did what, and left it to the BJP's tacticians to handle the rest.

CONSTITUTIONAL PROVISIONS

In some ways, Puducherry was a constitutional tragedy waiting to happen given the nature of provisions for the nomination of members enacted as early as 1962. Writing in *The Hindu* ("The structural fragility of Union Territories", February 25, 2021), P.D.T. Achary, former Secretary General of the Lok Sabha, noted: "The purpose of this nomination is to enable the House to draw on the expertise of those eminent members who are nominated and thus enrich the debate in the House. But in the case of nomination to Puducherry Assembly, no such qualification is laid down either in Article 239 A or the Government of Union Territories Act. This leaves the field open for the Union Government to nominate anyone irrespective of whether he or she is suitable."

The Government of Union Territories Act, 1963, lays down that the Puducherry Legislature Assembly will have 30 elected MLAs and a maximum of three MLAs nominated by the Central government. The only rule for the nomination is that such persons should not be government employees. There is no other qualification, such as in the case of the Rajya Sabha, where nominations are based on specific criteria.

Given the lack of constitutional protections, and the BJP's desire to ensure a Congress-*mukt* Bharat, it was only a matter of time before the BJP's central leadership ousted the government in Puducherry.

The question of the nomination of MLAs was the first serious issue that created a rift between Narayanasamy and Kiran Bedi. From 1985, after all elections it has been the practice for the government of the day to send a list of names to the L-G. Party functionaries, rather than eminent persons, have been picked each time. No political party has been an exception to this. There have been no known organised protests against this process, too.

Kiran Bedi claimed that the Narayanasamy government did not nominate anyone and sent her own list of names to the Centre in June 2017. The names were that of two BJP office-bearers and a BJP sympathiser. Kiran Bedi brushed aside all objections and administered them the oath of office literally on the night of July 5, 2017.

An incensed ruling party and the DMK organised a bandh on July 8 and claimed that two of the three nominees had cases against them.

In 2018, the nominations were challenged before the Madras High Court. The Congress-led government argued that the Central government had not consulted it before making the nominations to the Assembly and sought the annulling of the same. When the High Court upheld the nominations, the government went in appeal to the Supreme Court. In December 2018, a three-judge bench of the apex court held that, according to law, no consultation with the Puducherry government was required before nominating members.

On the question of whether the nominated members had the power to vote on the Budget and on the no-confidence motion against the government, the Supreme Court held that the 1963 law did not distinguish between elected and nominated MLAs. The Congress plans to file a review petition in the Supreme Court on the question of voting rights of nominated MLAs.

But the Congress' allies are more concerned about what will happen in case the 2021 Assembly election ends up in a hung Assembly. The DMK and the Communist Party of India voiced their fears to the Election Commission of India when its delegation visited Puducherry in February. They said that in the event of a hung Assembly, the Centre could use its nomination powers to swing the government to the advantage of one alliance. This was against the basic principles of parliamentary democracy, they appealed. The Election Commission has not commented on the issue so far. For now, the *status quo* on the nominated MLAs continues.

With the Assembly election round the corner, it is apparent that the ruling party and its allies start with a handicap of three legislators. □

‘It was our duty to seek a trust vote’

Interview with N. Rangasamy, former Chief Minister of Puducherry.

BY **R.K. RADHAKRISHNAN**

SINGARAVELOU T.

LONG before politicians started positioning themselves “closer” to voters through dramatic gestures such as travelling by bike, drinking tea at a local tea shop or sitting around in a small businessman’s outlet, N. Rangasamy, former Chief Minister of Puducherry, was doing these things as a matter of routine. He rode his Yamaha 100cc bike to and from work even when he was Chief Minister (twice), stopped by at a local shop for a cup of tea and a snack almost every day when he was in town, and sat around his friend’s watch repair shop talking to customers who came there. Rangasamy moved on from the Congress because of what he perceived as a slight to Puducherry at the hands of the party. A Congressman at heart, Rangasamy said that he was more than willing to walk the talk to fulfil the hopes and aspirations of the people of the Union Territory. He spoke to *Frontline* on the recent events in Puducherry.

What do you think about the toppling of the Congress government in Puducherry?

They [the Congress] could not prevent their MLAs from quitting. Why is this happening? Will the MLAs quit if they are happy with the party and the government? Why are they blaming others? Did MLAs from our party quit? This problem is wholly a creation of the Congress. Ministers and MLAs were already leaving the party.

It began right from the time the Congress government was formed. Now they are seeking to blame everyone else but themselves....We sought a trust vote when we knew that they [the government] did not have a majority. That is our duty to do so. We went along with our allies [the All India Anna Dravida Munnetra Kazhagam and the Bharatiya Janata Party] to meet the L-G [Lieutenant Governor]. At that time itself, we had a total of 14 MLAs. The government should have quit at that time. They did not. They waited for a floor test.

Has the dismissal created sympathy for V. Narayansamy, the toppled Chief Minister?

There is no sympathy. They [Congress] have not done anything for the people of Puducherry. For more than four and half years, the Chief Minister kept blaming the L-G for all the problems of Puducherry. They claimed that she [Kiran Bedi] was standing in the way of all development work in Puducherry. What would they have achieved even if they had the additional 10 days or so [before the announcement of the election]? In my view, nothing.

Does the act of toppling a government a month ahead of elections affect your chances?

Our chances are bright. We had nothing to do with what happened to the Congress. Remember, it was the members of the Congress who wanted to move ahead of the election. People here look at the record of what we did before they vote.

Did you expect to be asked to form the government for the remainder of term of the current Assembly ?

All that was up to the L-G. If she had asked, we would have discussed and decided what to do.

Do you think something similar could happen to any government in the future?

If the MLAs are with the government, nothing of this sort can happen. Besides, the government needs to work for the people and establish a relationship with the people. They should identify with the government. Then, there will be no problem.

Do you feel the Central government is watching the developments in Puducherry?

It is not like earlier times. The [Central] government is watching everything and is taking note of everything.

Borrowed petals

Riding high on the shoulders of leaders who defected from other parties, the BJP has made defection one of its principal political strategies in the State. BY **SUHRID SANKAR CHATTOPADHYAY**

UNTIL MAMATA BANERJEE STORMED INTO power in 2011, defeating the 34-year-old Left Front, defection was not a major factor in West Bengal politics. Ten years later, in 2021, as West Bengal heads for an eight-phase Assembly election, defection may even be a determining factor in the ultimate outcome. If the Trinamool Congress encouraged defection from other parties—namely the Left parties and the Congress—the Bharatiya Janata Party (BJP), which is perceived to be the main contender for the throne of Bengal, has practically made it into one of its principal political strategies.

Until recently, the BJP did not have either a significant base or a strong organisation at the grassroots. The defection tactics, therefore, have been serving it well both in terms of public perception and in expanding political reach on the back of mass leaders from other parties. The BJP has been brazen about it. While campaigning for the Lok Sabha election in the State in April 2019, Prime Minister Narendra Modi himself said that 40 of the Trinamool's MLAs were in touch with him. He warned that when the "lotus starts blooming, your [West Bengal Chief Minister Mamata Banerjee] MLAs will start leaving you". As it turns out, this was not an empty threat. After the BJP won 18 out of the State's 42 Lok Sabha seats and secured 40 per cent of the votes (just 3 per cent less than the Trinamool's share), the ruling party was faced with large-scale defection from the level of MPs to panchayat leaders. The BJP has left no stones unturned to break the structure of the Trinamool by whisking away some of its most influential leaders. Defectors have even been taken by chartered planes from Kolkata and handed over the BJP flag by Union Home Minister Amit Shah.

In fact, the indiscriminate manner in which the BJP has been accepting practically anyone and everyone from the Trinamool, even tainted and discredited leaders, has prompted both the Trinamool and other opposition parties to label the BJP a "washing machine"—one from which dirty laundry comes out clean. Some Trinamool leaders whom the BJP has been targeting over the years have now become the saffron party's most vocal campaigners against the Mamata Banerjee government. Days before the 2016 Assembly elections, a video was shown in the BJP's office in Kolkata of a sting operation carried out by the news portal Narada News showing top Trinamool leaders, Ministers and lawmakers accepting cash on camera. Of the 11 leaders shown in the video, Mukul Roy, Suvendu Adhikari and Sovan Chatterjee are now with the BJP. From as early as 2015, the BJP started angling for the big fish in the Trinamool. Their targets were skilled organisers and those who wielded substantial clout in the party so that a chunk of the party cadre would come with them. According to the BJP, it is not just the top brass who are joining it, but also grassroots leaders at the panchayat, block and municipal levels.

BIKAS DAS/AP

AT A BJP RALLY IN KOLKATA in January, State unit chief Dilip Ghosh (left, waving) with Suvendu Adhikari, who crossed over from the Trinamool a month earlier.

The first heavyweight Trinamool leader to land in the BJP net was Mukul Roy in 2017. He had been Mamata Banerjee's right-hand man and the second most powerful figure in the Trinamool. He was also under Central Bureau of Investigation (CBI) scanner in connection with the Narada sting case. Interestingly, in September 2017, the CBI arrested the Indian Police Service (IPS) officer S.M.H. Mirza, who was seen on camera accepting wads of money, apparently on behalf of Mukul Roy.

The defection of Suvendu Adhikari did not happen overnight. For several years prior to his shifting, there was talk in political circles of his joining the BJP. The fact that the CBI is not seen to be taking any action against leaders like Mukul Roy, Suvendu Adhikari and Sovan Chatterjee has given the Trinamool the scope to accuse the saffron party of using central agencies to intimidate its leaders and thereby precipitating defections.

Defections from the Trinamool began to take place in a big way after the 2019 Lok Sabha election. Arjun Singh, party strongman and MLA from Barrackpore, joined the BJP in March 2019. Sovan Chatterjee, former minister and Mayor of Kolkata joined in September. Sabyasachi Dutta, MLA and Mayor of Bidhannagar Municipal Corporation, joined in October. But Suvendu Adhikari was the biggest catch: he joined along with nine MLAs (two from the Left) on December 19, 2020. He is considered to be the biggest mass leader in south Bengal after Mamata Banerjee herself and wields considerable influence in several districts besides his home district of Purba Medinipur.

In January 2021, former Cabinet Minister Rajib Banerjee, another Trinamool powerhouse, and several other high-profile Trinamool leaders and lawmakers were flown in a special chartered plane to Delhi where Amit Shah formally inducted them into the BJP. On February 12 came another blow with veteran leader and former Railway Minister and Rajya Sabha MP Dinesh Trivedi announcing his resignation from the floor of the Rajya Sabha. He, too, joined the BJP, a few weeks later, after heaping praise on Modi.

TRINAMOOL HIT HARD

The defections are clearly orchestrated in a phased manner to cause maximum damage to political opponents ahead of the election. The Trinamool has been putting up a brave front, saying "good riddance" and labelling the turncoats "Mirzafars" (traitors) or accusing them of corruption. Yet the party undeniably has been hit hard. In the three months between December 19, 2020, and March 2, 2021, 14 MLAs and two MPs joined the BJP. (Two of them resigned from the Trinamool before joining the BJP.)

Dilip Ghosh, State BJP president and Lok Sabha MP quipped: "The Trinamool will be finished before the elections." Dilip Ghosh claimed that he had a long list of people wanting to defect from the Trinamool.

Condemning the BJP's strategy, Trinamool spokesperson Om Prakash Mishra said: "The BJP has been trying to effect the defection of legislators in Bengal just as it has been doing in other States, and this is patently wrong... In West Bengal also there are many who have joined the BJP, but what is condemnable is the way in which the BJP has engineered the defection of legislators." He pointed out that the saffron party's strategy is turning out to be counterproductive.

"The BJP thought that it would be able to bolster its presence and strength with defections, but that is not happening at all. In fact, it has galvanised the Trinamool workers to assert their complete loyalty to the party, and it has ultimately diminished the BJP's prospects in the coming election," he told *Frontline*. The strategy has also left the BJP and its new members open to attacks from political opponents. Md Salim, Polit Bureau member of the Communist Party of India (Marxist), recently said: "The same Trinamool leader who said that not even a piece of red cloth will be visible in the State has today made a rag of the Trinamool flag to wipe Amit Shah's shoes." But what can really be worrisome for the BJP is that indiscriminate induction into its fold is also alienating a section of its own supporters. Mass defections have sparked violent inner-party fights in the BJP between the "old timers" and the "turncoats", and public demonstrations by party workers against the new inductees. The common people are also beginning to disapprove of the way the BJP is using defection as a political tool.

The top BJP leadership, on the other hand, has deliberately not given much importance to the complaints of the existing workers. In fact, when Jitendra Tiwari, influential Trinamool MLA and former Mayor of Asansol backed out of joining the party in December 2020, in the face of strong opposition from Babul Supriyo, BJP MP from Asansol, State general secretary Sayantan Basu and Mahila Morcha president Agnimitra Paul, the party's central leadership sent a show-cause notice to them. On March 2, when Jitendra Tiwari eventually joined the BJP, Babul Supriyo had to welcome him.

"The BJP is a disciplined party, and those who have joined will fall in line. At present what is most important is to defeat the Trinamool, and the strategy we have adopted is working well," a senior BJP source told *Frontline*.

"TWO-PRONGED STRATEGY"

Joyprakash Majumdar, State BJP vice-president and head of the party's political analysis wing, denied the allegation that the BJP was excessively dependent on defectors and pointed out that the BJP in Bengal had been following a "two-pronged strategy"—strengthening the party organisation and "diluting" the strength of the opponent by encouraging defection.

"To make an exotic dish, one needs to have the basic ingredients first, upon which the exotic spices will be added. The strengthening of our organisation from the booth level upward was our basic ingredient, the top leaders from the Trinamool who have joined us are the exotic spices to the basic ingredient," Majumdar told *Frontline*.

The BJP may have successfully created, for the time being, a narrative that the Trinamool is in the throes of uncertainty which prompts its top leaders to abandon ship. Yet this may nevertheless alienate a section of potential voters on moral and ethical grounds. There is a growing sentiment among a section of those who seek an end to the Trinamool regime that voting for the BJP would be like voting for the Trinamool again.

"What difference will it make, voting for the BJP?" wondered Arun Sahu, a fisherman. "It will be like voting for the Trinamool wearing a different jersey." □

Showing resilience

Despite repeated attempts by the BJP to destabilise the government in the State, the Uddhav Thackeray-led Maharashtra Vikas Aghadi has remained stable. BY **LYLA BAVADAM**

THE BUDGET SESSION OF THE MAHARASHTRA Assembly started off with a bang on March 2. On Sunday, 24 hours before the session, Forest Minister Sanjay Rathod gave in his resignation to Chief Minister Uddhav Thackeray, who accepted it and took over the portfolio himself.

The resignation was prompted by an investigation over the suicide of a woman in Pune in which Rathod's name was mentioned. The Bharatiya Janata Party (BJP) had been planning to disrupt proceedings in the Assembly over this. Rathod's resignation took the sting out of the attack, but it threw light on the BJP's focus on destabilising the Maha Vikas Aghadi (MVA) government in Maharashtra. Despite repeated attempts by the saffron forces and the trying pressures of the last year, the Uddhav Thackeray-led MVA has remained stable. Even the harshest critics of the Shiv Sena concede that Uddhav Thackeray has led the government calmly and listened to experienced advice.

'DIRTY POLITICS'

In the first week of February, newspapers reported the death of a 22-year-old woman named Pooja Chavan, who fell from the balcony of her flat in Pune. The story stayed in the news as photographs and audio clips were circulated linking her to Rathod. Though investigations are on and the police are verifying the authenticity of the clips, the BJP has pushed for stringent action against Rathod and demanded the initiation of a criminal case against him.

Rathod, who is the first Minister to resign from the MVA, said: "The opposition is playing dirty politics. Investigation must be conducted impartially and action taken if anybody is found guilty. There should not be any pressure on investigative agencies to save someone from the case or destroy someone's life." He said he was confident of the truth coming out and had therefore submitted his resignation.

Some relief for Rathod came in the form of the girl's parents who met Uddhav Thackeray and said that while they wanted an investigation, they believed that the allegations against Rathod were baseless. In a letter addressed to Uddhav Thackeray, the parents and sister of the girl wrote: "No one should be made a scapegoat only because of suspicion. We have never demanded the resignation of Rathod. While we have lost our daughter, politics is being played daily on her death. So, don't take the resignation of Rathod by making him an accused due to politics."

VIVEK BENDRE

CHIEF MINISTER UDDHAV THACKERAY has responded to the BJP's jibes calmly.

BJP'S PLOYS

This incident is just the latest in a long list of accusations and ploys by the BJP. Maharashtra Pradesh Congress Committee president Nana Patole said the opposition in Maharashtra was using all its energies to disrupt the government instead of being a mature, responsible opposition.

The BJP has used every opportunity to lash out at Uddhav Thackeray ever since he broke off the Shiv Sena's 30-year-old partnership with the BJP after the 2019 Assembly election and formed the government as part of the MVA. It has criticised the handling of the COVID-19 crisis, has said that farmers have not received a crop loan waiver or their promised incentives. Devendra Fadnavis, Leader of the Opposition and former Chief Minister, alleged that three and a half lakh farmers had had their electricity turned off and 75 lakh citizens had been threatened with power disconnection for non-payment of bills.

"If farmers and poor people are subject to such administrative atrocities by the government, it amounts to the Mughal regime," said Fadnavis, never missing a chance to make communal comments. Fadnavis even criticised non-issues such as the MVA not celebrating the birth anniversary of Vinayak Damodar Savarkar, who formulated the divisive ideology of Hindutva.

COVID CONTROL MEASURES

In the ongoing Budget session Fadnavis accused the government of mismanaging the coronavirus crisis. Uddhav Thackeray responded saying that even the Centre's team that recently visited the State to assess COVID control measures had acknowledged the State's efforts. The team said that the system had exhausted itself because of incessant toil. The Chief Minister said the State was increasing health care facilities and widening the net for vaccine eligibility.

Uddhav Thackeray reiterated he was not in favour of a lockdown. "I don't want to leave people hungry. I don't want the economy to halt," he said, taking a dig at the four-hour notice given on March 24, 2020, when Prime Minister Narendra Modi announced a lockdown.

He reminded the opposition that when he had asked the Prime Minister to stop local trains and give long-distance trains to help those from other States return home, he got no response. "We ensured that the poor were fed. And yet you blame us," he said pointing a finger at the BJP's duplicity.

FIGHTING SPIRIT

While Uddhav Thackeray has responded each time to the BJP's jibes with a calmness that is in direct contrast to that of his father Bal Thackeray, others in the MVA have tackled the BJP head on. The newly appointed State Congress chief Nana Patole has injected a fighting spirit into not just the weak State unit of the party but also into the MVA.

When the BJP raised a hue over Rathod, Patole hit out at the BJP over the suicide of Mohan Delkar, the Independent Member of Parliament from Dadra and Nagar Haveli who was found dead in a Mumbai hotel. Delkar's 15-page note alleged torture and harassment and named names. The note also mentions his appeals to the Prime Minister, Home Minister and Parliament and the lack of response to them.

Taking the fight into the BJP's corner, Patole hit out at the party for its lack of cooperation during the coronavirus crisis, for the soaring fuel prices and for the Centre's agricultural blunders.

Joining the fray is Sachin Sawant, the general secretary and spokesperson of the State Congress unit. Throwing a volley of questions and counter-accusations at the BJP, he asked, "Why was Nihalchand [Meghwal], who was accused of rape in 2014, taken into the Cabinet and why did Prime Minister Modi not resign even after the allegations were made? Why was the audio tape of the police surveillance of a woman in Gujarat suppressed by BJP leaders? An audio tape of a BJP Union Minister came out while trying to overthrow the Congress government in Rajasthan. In this tape, the Minister was openly trying to bribe the MLAs.

VIVEK BENDRE

DEVENDRA FADNAVIS, Leader of the Opposition. The BJP has used every opportunity to lash out at Uddhav Thackeray ever since the Sena broke off ties with it.

The Minister did not provide audio samples and said the tapes were bogus. The country has seen BJP leaders backing rapists in the Kathua, Unnao and Hathras rape cases. Sakshi Maharaj had gone to meet BJP MLA Kuldip Singh Sengar, who was sent to jail in connection with the rape case [Unnao]. The victim attempted suicide in front of Chief Minister Adityanath's house and her father is killed, and in the Chinmayanand case the victim is arrested. So the BJP has no moral right to speak of anything." In the face of all this he BJP would have been expected to back off, but the loss of 2019 obviously rankles still. As do the losses of the BJP strongholds of Nagpur and Pune in the 2019 election. ☐

Flip-flops, Goan style

In stark contrast to its laid-back culture, Goa has been a hotbed of political opportunism which the BJP has used to the hilt.

BY **ANUPAMA KATAKAM**

WINNING AT ANY COST HAS CLEARLY BEEN the Bharatiya Janata Party's (BJP) mantra. Its antics in Goa during the 2017 Assembly election and later is the supreme example of its blatant disregard of all democratic processes in order to remain in power. It has engineered defections and used the allies to tilt the balance. And, except for a few veteran Congress leaders, the State's politicians have proved time and again to be opportunists with no concern for ideology, loyalty or the people in their constituencies.

Goa is perhaps the only State that has had 13 Chief Ministers in 12 years, mainly during the 1990s. For a State that gained independence from colonial rule as late as 1961 and attained statehood in 1987, it has certainly witnessed a fair amount of political instability. Political commentators in Goa say it is sheer opportunism that has led to an environment of intrigue, back-stabbing and petty politics. Capitalising on this weakness in the electoral process, the BJP has shrewdly wooed several aspiring politicians to join the party in Goa. Between poaching, clever politics and the Congress' downward spiral, the saffron brigade has successfully been at the helm since the early 2000s.

The tiny coastal State has 40 Assembly and two Lok Sabha seats. In the past it has usually been a close fight between the Congress and the BJP which then depended on regional parties to form a government. Marginal seats play a crucial role in the formation of the government and parties use aggressive tactics to garner a majority, even at the expense of the people's mandate.

QUICK ON THE DRAW

The 2017 Assembly election exposed the BJP's devious ways to come to power at any cost. The incumbent Chief Minister Laxmikant Parsekar was not popular within the party or with Goans in general. When it became apparent that Parsekar may not be able to win the election for the BJP, the party's central leadership devised two strategies: one, Manohar Parrikar, the then Defence Minister, would be sent back from Delhi to become Chief Minister if the party won. As Chief Minister earlier, Parrikar enjoyed the reputation of being a doer and a clean statesman. The other was to issue an open invitation to any MLA from other parties to join the BJP.

Five Congress leaders and one from the Goa Vikas Party defected to the BJP before the election. In the 2017 elections, the Congress won 17 seats, the BJP 13, and the Maharashtrawadi Gomantak Party (MGP) and Goa Forward three seats each. Independents won three seats and the Nationalist Congress Party bagged one seat. Even as the Congress fumbled to get its act together, the BJP quickly forged an alliance with Goa Forward, which had felt slighted by the Congress before the election. Goa Forward demanded deputy chief ministership and two key Cabinet berths. The MGP, an old ally of the BJP, was willing to work with it again. The BJP managed to get the

PTI

independents too on board and formed the government.

"To be fair to the saffron party, it cannot be blamed for the Congress' glaring incompetent leadership," a senior Congress leader told *Frontline* at that time. "Due to high command issues we could not take a quick decision regarding alliances. But whether it was before or after the election, the entire election was a show of the BJPs deceit," he said.

The BJP's prize catch was Vishwajit Rane, son of Goa's longest-serving Congress Chief Minister Pratapsingh Rane, who resigned as MLA after winning the election on the Congress ticket. He was inducted into the Parrikar Cabinet shortly after. In the byelection that was necessitated by his resignation, he was re-elected from Valpoi on the BJP ticket.

A year into the BJP's reign, two more Congress MLAs joined the party, taking its tally to 16. A few months later, two MGP MLAs joined the party and following the 2019 general election, 10 Congress MLAs joined the BJP, giving it an absolute majority in the Assembly. The Congress in opposition is currently left with five MLAs, four of whom are former Chief Ministers.

With the allies now being dispensable, Chief Minister Pramod Sawant severed ties with those who brought his party to power. He tossed out both Deputy Chief Ministers, Goa Forward leader Vijay Sardesai and the MGP's Sudhin Dhavlikar. Sawant rewarded Chandrakant Kavlekar, who was Leader of the Opposition, with the deputy chief ministership. Sawant justified the move saying the State needed political stability which was hindered by the alliance and their demands. "Without them, I can now concentrate on State work," he said.

Furious at being ousted, Vijay Sardesai told *Frontline* that the alliance was formed as Goa Forward trusted the late Manohar Parrikar. "Had Parrikar been alive, he would have never done this. We helped them come to power. Is this what you do to an ally?" he asked. In fact, when the Shiv Sena won a substantial number of seats in the Maharashtra Assembly election in 2019, Uddhav Thackeray was on record saying that one of the reasons it would not ally with the BJP was because of what the party did to its allies in Goa.

CONGRESS MLAS who joined the BJP with the party's working president J.P. Nadda (third from right) and Chief Minister Pramod Sawant (to his right), in New Delhi on July 11, 2019.

Sawant's penchant to hold on to power is seen in the manner in which he is planning to induct Atanasio Monserrate, otherwise known as Babush, into his Cabinet when the Assembly election is a year away. Monserrate is believed to have instigated the mass Congress defections. A party hopper, Monserrate has been with the Congress, the United Goan Democratic Party and Goa Forward before joining the BJP. His wife, Jennifer Monserrate, was among the 10 MLAs who defected to the BJP. Commentators on Goa politics say Monserrate tried to pull off a similar stunt when Parrikar was Chief Minister but the latter did not entertain him.

PETITION IN COURT

In a recent development, the Supreme Court, on February 26, began to hear a petition filed by Congress leader Girish Chodankar that the 10 MLAs who had defected saying that the "Congress ceased to exit in Goa and hence they would 'merge' with the BJP" should be disqualified under Article 191 (2) of the Tenth Schedule of the Constitution. He challenged the Assembly Speaker allowing this "merger" as the Congress party was a national party and was very much alive. Lawyers for the legislators argued that the Speaker had the power and discretion to permit this move and the court must not interfere.

Goa witnessed its most stable periods during the time of Pratapsingh Rane (Congress) and Manohar Parrikar (BJP). Pratapsingh Rane is well into his eighties and is unable to restore the weak party to power. Parrikar's ethics were respected across parties and it was perhaps only during his reign that the BJP enjoyed a certain respectability. Both leaders were known for their progressive thinking and ability to keep the State in order. Parrikar was diagnosed with pancreatic cancer and died while in power. On his passing the BJP saw a good amount of infighting as former Chief Minister Parsekar felt he should be brought back to power although he had lost the election. The other contenders were Vijay Tendulkar and Pramod Sawant. Eventually, Sawant got the post, but not without making a few enemies in the party.

"One of the reasons he is so nervous is that he has competition within the party and without Manohar Parrikar, the BJP is seen quite poorly in Goa," said Edwin Fonseca, head of the All India Catholic Union in Goa. "Sawant's insecurity makes him work on defections. He has to have the majority or he may end up without a government to lead."

Because it is so chaotic in Goa during election time, activists and party workers have been demanding stricter rules from the Election Commission. An example of the unpredictability of Goa politics is this: in 2017, a few hours before the filing of nominations ended, the Congress pulled the rug from under Goa Forward's feet, saying it would also field a candidate from where Vijay Sardesai was contesting. This was after agreeing to an informal pre-election alliance.

Goans are known for their *susegad*, which loosely means a laid-back culture, but politics in the State is anything but. ☐

Poaching for power

There was perhaps more to it than met the eye in the drama that unfolded in Madhya Pradesh in March 2020 and ended in the unseating of the Kamal Nath government. BY **ANANDO BHAKTO**

ON MARCH 10, 2020, AMID RISING speculation that the Congress in Madhya Pradesh was headed for a split, Jyotiraditya Scindia announced on social media his decision to quit the party. On that day, he tweeted a copy of his resignation letter addressed to the interim party president Sonia Gandhi, dated March 9. His 22 loyalists followed suit, turning the Kamal Nath-led government in the State into a minority.

The former Member of Parliament from Guna was to eventually join the Bharatiya Janata Party (BJP) along with his supporters. His resignation letter explained the reasons for his parting ways with the Congress thus: "While my aim and purpose remain the same as it has always been from the very beginning, to serve the people of my State and country, I believe I am unable to do this anymore with this party." A Scindia aide told this reporter: "We won on a loan waiver promise to farmers. But we failed to do so within 10 days. It has been over a year since we assumed power, but we have reneged on our manifesto agendas." Sonia Gandhi responded by "expelling" him from the Congress.

In the days that followed, it became evident that the entire plot to destabilise the Congress government in Madhya Pradesh, a State that the BJP lost to the Congress in December 2018 after three successive terms in office, was hatched with the blessings and participation of the saffron party's top leadership. It might even have been in the making for at least a year.

By the time Scindia tendered his resignation, 22 Congress MLAs had moved to a secluded haven in Bengaluru in BJP-ruled Karnataka. On March 18, senior Congress leaders Digvijaya Singh and Shivakumar tried to meet the 22 MLAs, but they were not allowed to meet them. Addressing the media shortly afterwards, Digvijaya Singh claimed the MLAs were being kept hostage. "BJP MLA Arvind Bhadoriya and an MP are holding them captive. Why can't I meet my MLAs, my voters [for the Rajya Sabha election], my own party people? What is the BJP doing in between?" he asked.

In line with the pattern witnessed in the BJP's toppling games, Madhya Pradesh Governor Lalji Tandon appeared to act in haste in favour of the saffron party. In a late-night correspondence on March 14, he asked Kamal Nath to prove his government's majority in the Assembly. By this time, the strength of the ruling Congress had reduced from 114 to 108 because the Speaker had accepted the resignations of six of the 22 MLAs.

Even as the Congress made all-out efforts to win back the defectors, the BJP filed a petition in the Supreme

PTI

JYOTIRADITYA SCINDIA with Union Home Minister Amit Shah in New Delhi in March 2020, a day after joining the BJP.

Court demanding a floor test at the earliest. The Congress argued in court that "the floor test can happen only when all the elected lawmakers are present in the Assembly". It also said that a trust vote could be held only after byelections to the constituencies falling vacant were held. Madhya Pradesh Legislative Assembly speaker Narmada Prajapati adjourned the Assembly's budget session, which had been scheduled to commence on March 16, until March 26, citing the COVID-19 outbreak. But that would hardly bring any succour for the Congress. The Supreme Court ordered the floor test on March 20, stating that it could appoint an observer who would visit the defectors in Bengaluru and arrange for their interaction with the Madhya Pradesh Speaker through a video conference.

The battle for survival was over for Kamal Nath and his colleagues. He submitted his resignation to Governor Lalji Tandon around 1 p.m. on March 20, an hour before the trust vote was scheduled to be held in the Assembly. Though factionalism in the Congress is a reality and political observers tend to agree that Scindia may have been sidelined in the State Congress, as his supporters claim, the BJP's complicity is suspected widely. *Frontline* has learnt from informed sources that the BJP started making overtures to Scindia soon after the Congress' comprehensive defeat in the May 2019 general election. In that election, Scindia lost more than his family bastion of Guna, a constituency that had elected him for four consecutive terms in the past. (He lost it to former aide Krishna Pal Singh Yadav by over 1,25,000 votes.) He also lost the 27, Safdarjung Road bungalow in Lutyens' Delhi, which had been his home for decades and to which he is believed to be emotionally attached. It was earlier allotted to his father, Madhavrao Scindia, before it came to him as an MP.

In July 2019, the Union government declined his request to be allowed to retain the bungalow. Sources from the Scindia camp and the Digvijaya Singh-Kamal Nath camp separately confirmed to this reporter that former Finance Minister Arun Jaitley reached out to Jyotiraditya Scindia sometime between May and July 2019. The rewards offered were a Cabinet berth for Jyotiraditya Scindia, plum postings for MLAs loyal to him in Madhya Pradesh, and the bungalow. More than two rounds of parleys were reportedly held between Scindia and Jaitley regarding his future role and position within the BJP before Jaitley's death interrupted the process.

While communication between the BJP and the Scindia scion continued, the latter's rift with Kamal Nath was increasingly assuming irreconcilable proportions. The Scindia camp maintains that though Jyotiraditya Scindia contributed significantly to the Congress' victory in the December 2018 Assembly election, Digvijaya Singh called the shots in bureaucratic postings and in the nomination of party functionaries.

Operation Lotus, as the BJP's poaching game is often labelled in the media, was renewed in early March 2020 when a senior State leader of the BJP was said to have flown out eight MLAs of the Congress and its allies to a hotel in Gurugram. But the Congress was able to thwart the plan. According to Congress sources, four of the eight were Congress MLAs, one was an independent, and the rest were from the Bahujan Samaj Party and the Samajwadi Party. Kamal Nath was quick to claim that his government was immune to attempts at engineering defections. "We have full faith in all our MLAs, we have no doubt about their integrity and honesty. The truth of this black money earned from corruption and scams has been revealed and all BJP's conspiracies will fall flat on their face," he said.

Jyotiraditya Scindia appeared to be on the same page as Kamal Nath. "This is 100 per cent an attempt to poach [MLAs]. We are united and our government is stable. We have counted the numbers and there is no threat to the government," Scindia said as he joined Kamal Nath in lambasting the BJP's attempt to usurp power in the State.

However, in about a week's time, Scindia would take a U-turn and bring down the curtains on the Kamal Nath government. According to one reading of the development, the final estrangement was triggered by the last-minute denial of a Rajya Sabha berth. The Congress in Madhya Pradesh was hopeful of winning two of the three Rajya Sabha seats for which elections were scheduled. One seat was reportedly reserved for Deepak Saxena, who vacated his Chhindwara Legislative Assembly seat for Kamal Nath after he became Chief Minister in December 2018. Scindia was apparently sure of securing the other. Digvijaya Singh's emergence as a strong contender for it is said to have eventually prompted his exit.

> The BJP's complicity in the revolt by Jyotiraditya Scindia and Congress MLAs loyal to him in March 2020 is widely suspected.

Congress sources contend that Scindia's departure was motivated by pure political opportunism, fuelled by the BJP's constant overtures to him. A senior Madhya Pradesh Congress Committee functionary, who requested not to be named, said Scindia had made up his mind to join the BJP as early as November 2019. He claimed that the BJP's central leadership was only delaying the move to time it with Rahul Gandhi's resumption of his role as Congress president, whenever that happened, in order to score a point against his leadership abilities. "We have incontrovertible reports that he [Scindia] had alerted his MLAs about a possible defection. We know it for a fact he had told them 'to make the maximum out of their office' as they might have to remit it next year [2020]," said the Kamal Nath aide. □

Close shave

As long as there are methods to skirt the Tenth Schedule, a government with a thin majority and ambitious legislators will always find itself facing instability. BY **T.K. RAJALAKSHMI**

IN MID JULY 2020, WHEN RAJASTHAN WAS IN the grip of the COVID pandemic, an unusual development was unfolding in Jaipur. Chief Minister Ashok Gehlot, accompanied by his loyal band of Congress legislators, squatted on the lawns of the Governor's residence demanding that a Special Session of the Assembly be convened whereby he could prove his majority. The protest lasted nearly five and a half hours. Governor Kalraj Mishra insisted that the Chief Minister should state his reasons in writing for convening the Assembly. The Chief Minister was not required to do so under the Constitution.

Ashok Gehlot wanted the Assembly session to be held as early as possible on July 31, but Kalraj Mishra was not willing to hold it before August 14. He cited procedural issues and the prevailing pandemic as his reason. Kalraj Mishra had earlier served as Governor of Himachal Pradesh and was a Cabinet Minister in the first term of Prime Minister Narendra Modi's government at the Centre. He was also the former president of the Uttar Pradesh unit of the BJP.

Earlier, in July 2020, Rajasthan Pradesh Congress chief and Deputy Chief Minister Sachin Pilot had openly expressed his dissatisfaction with the State government. His actions could be construed as rebellion, and he had the support of 18 other legislators. The 19 "rebels" issued public statements that the government was reduced to a minority, though none of them had either joined any other party, formed a new party or resigned from the Assembly. They refused to attend Congress Legislature Party (CLP) meetings and instead moved to a hotel in Gurugram, Haryana, a State ruled by the Bharatiya Janata Party (BJP).

The Congress had come to power in 2018 with a razor thin majority in the 200-member Assembly, but speculation was rife about its survival. The Governor and his office helped fuel this speculation by dithering on Ashok Gehlot's request for an Assembly Session. Politically, Ashok Gehlot had little choice but to prove that his government had the majority in the Assembly. If the MLAs defied the whip, they would stand disqualified. In the Assembly, the Congress' strength had dipped below the 100-seat mark, although the BJP was far behind with 72 legislators. In the worst-case scenario for the Congress, President's Rule could have been in the offing had the warring sides not patched up.

ROHIT JAIN PARAS

CHIEF MINISTER ASHOK GEHLOT with Deputy Chief Minister Sachin Pilot, addressing a press conference on the BJP's attempts to destabilise his government in Jaipur, on June 12, 2020

When the rebels declined to attend two CLP meetings, Mahesh Joshi, chief whip of the party, complained to Assembly Speaker C.P. Joshi, who issued notices to the rebels, asking them to show cause, by July 17, why they should not be disqualified.

COURT BATTLE

The drama shifted to the courts at this point. The rebels moved the High Court seeking a stay on the disqualification notices and challenging the constitutionality of the disqualification clause. They contended that the clause went against the basic structure of the Constitution.

In the High Court, counsel representing the Rajasthan government argued that the writ petition of the rebels was non-maintainable as it was a *quia timet* (an action or injunction against an apprehended act) action which was barred as per the judgment of the Constitution Bench in *Kihoto Hollohan vs Zachillu & Ors* (1992).

The Rajasthan Speaker moved the Supreme Court with a plea that he should be allowed to proceed with the disqualification notices. The apex court declined the request on the grounds that the High Court was yet to give a verdict. The High Court ruled that *status quo* would prevail as far as the legislators were concerned. Interestingly, the judgment also framed a series of questions around the constitutionality of the disqualification clause, which many constitutional experts at that time felt was totally unnecessary. The Speaker and the chief whip again moved the Supreme Court against the order of the High Court, raising jurisdictional issues and the High Court's right to deliberate on matters that had already been settled in Supreme Court judgments relating to the Speaker's right to issue disqualification notices.

The Special Leave Petition averred that the High Court had acted in "gross judicial indiscipline" and impropriety by reopening issues that were settled by a Constitution Bench of the Supreme Court. Referring to the landmark Kihoto Hollohan judgment, the SLP argued that it was well settled that the Tenth Schedule (which deals with the disqualification of elected representatives on the grounds of defection) did not violate the basic structure of the Constitution. The petitioners were therefore "seeking to achieve indirectly" what they could not achieve "directly", the SLP averred. The question of whether the conduct of the legislators was "democratic dissent" or tantamount to crossing over could only be decided by the Speaker. The SLP requested the apex court to ensure that all constitutional authorities including the judiciary exercised their jurisdiction within their "Lakshman Rekhas".

Frontline spoke to Sunil Fernandes, advocate on record, Supreme Court, who represented the Rajasthan Speaker in court, and also the Speakers of Madhya Pradesh and Karnataka. He said that when the Assembly was in session, the Treasury Benches could introduce a confidence motion with the Speaker's consent. But when the Assembly was not in session and a Special Assembly needed to be convened, it was the Governor's prerogative to do so. He said: "When Ashok Gehlot told the Governor he would like to seek a vote of confidence, the Governor did not agree, dilly-dallied and cited coronavirus as a reason. That was not constitutional on the part of the Governor. The Supreme Court has laid down very clearly that any recommendation by the Cabinet to the Governor to call a session is binding on him and he should convene it at the earliest unless there was a national emergency or an exigency of that sort. In Madhya Pradesh, the coronavirus did not prevent the government from changing hands. Unfortunately, the BJP, which has always accused the Congress of having the Speaker and the Governor behaving in a partisan manner, has behaved in a manner which has been more gross than the Congress'."

"Our short legal point was that whenever the Speaker issues a notice under the Tenth Schedule, the High Courts cannot stay those processes. Once he finally passes an order, that can be challenged, but at the pre-decisional stage, one cannot stay proceedings. It was not like some Motor Accident Tribunal or a routine matter. This was fortified by a five-judge Constitutional Bench judgment in 1992, the Kihoto Hollohan judgment. The Supreme Court has clearly stated that whenever a Speaker issues show cause, it cannot be stayed," he said

Asked whether the State would have headed towards President's Rule, Sunil Fernandes said that there were Constitutional Bench judgments that laid down the law on Article 356. "It cannot be invoked by Central governments that easily. Just because 17-18 MLAs had expressed disaffection it could not be said there was a breakdown of law and order. Had there not been a rapprochement between the two factions, there was a high probability that the President might have dissolved the Assembly," he said.

"In Rajasthan's case, the government itself wanted to prove the majority in the House. Another peculiar thing arose in this case. Earlier the traditional wisdom was when an MLA joined another party that would have rendered him liable under the disqualification clause. This was a classic instance where without joining another political party, the MLAs had indulged in a conduct which was tantamount to giving up the membership of one's parent party and under para 2(1)(a) of the Tenth Schedule they could invite disqualification. These MLAs had acted in concert, hob-nobbed with BJP leaders, refused to attend CLP meetings, issued press statements, went outside the State, taken the hospitality of a BJP government, and so on. There were a dozen acts where these people were found acting in concert with the opposition or with political parties that were inimical to the present government. All these acts, taken together could qualify for disqualification," he said.

"They all grow a conscience at the right time. The MLAs in Madhya Pradesh or Karnataka did not defect or join another party. They simply resigned. The Tenth Schedule gets miserably defeated and courts are yet to take judicial cognisance of this. So even if there is no overt hand of any party, the signs are all evident. No one prints the name of the political party they want to defect to on their chests. The Karnataka MLAs were shifted to Mumbai when Devendra Fadnavis was there, but when a Shiv Sena government took over, the scene shifted to Haryana. The Rajasthan MLAs were shifted to Haryana. Now as Bengaluru is more salubrious, it is a more preferred destination. In the Madhya Pradesh crisis, when Digvijaya Singh went to meet the very MLAs he had canvassed for and helped get elected, he was not allowed to meet them by the B.S. Yediyurappa government. Who foots the bill for all these expensive stays and chartered flights? Courts have to decide when a resignation is genuine and when it is a part of a conspiracy to pull down a government. The Tenth Schedule has become a relic. What I am advocating is for all parties. But how many changes can one make in the law? If we have someone who is not living up to one's oath and the neutrality of one's office, what can be done? The Bhagat Singh Koshiary example in Maharashtra is a textbook example of what a Governor should not do," he said.

The Rajasthan Congress managed to survive the challenge to its government. But long as there are methods to interpret and skirt the Tenth Schedule, a government with a thin majority and ambitious legislators will always find itself facing instability. □

Lure of power

The BJP's 'Operation Lotus' in 2008 and enticement of MLAs through offers of money and ministerial positions in 2019 perhaps set the tone for the BJP's actions to manufacture the majority in other States where it had fallen short. BY **VIKHAR AHMED SAYEED**

B.S. YEDDYURAPPA, after taking oath as 25th Chief Minister of Karnataka, in Bengaluru on May 30, 2008. He is flanked by BJP leaders M. Venkaiah Naidu, L.K. Advani, Sadananda Gowda, Rajnath Singh, Narendra Modi and H.N. Anantha Kumar.

THE 2008 ASSEMBLY ELECTION IN Karnataka was a watershed moment in the history of the Bharatiya Janata Party (BJP) as it was the first time that the saffron party was able to form the government on its own in a southern State. The BJP won 110 seats and emerged as the single largest party but was short of the half-way mark of 112 seats in the 224-member Assembly. At the time, the BJP, under the leadership of B.S. Yediyurappa, buoyed by the munificence of the Reddy brothers of Ballari, who had acquired money from illegal mining, lured six independent MLAs to its side in a move that was pejoratively referred to as "Operation Kamala", or "Operation Lotus". Five of these legislators were subsequently "rewarded" with ministerial positions.

Since then the term Operation Lotus has gained notoriety and often used by the media to describe the BJP's use of allurements and shrewd use of democratic institutions to come to power bypassing the anti-defection law and engineering defections of legislators. While Yediyurappa managed to become the Chief Minister in 2008, he was forced to quit after three years at the helm as he was named in the Lokayukta report on illegal mining in Karnataka. The long-time BJP leader broke with the party in 2012 in view of the forced resignation. (He returned to the party fold two years later.) He demonstrated that his gambit of luring away non-BJP MLAs to bolster his numbers had succeeded.

The 2018 Assembly election threw up a fractured verdict. The BJP had emerged as the single largest party with 105 MLAs, the Congress and the Janata Dal (Secular) had won 78 and 37 seats respectively. The Congress and the JD(S) formed a coalition government, which was wobbly right from the start as State Congress leaders were resentful of the chief ministership going to H.D. Kumaraswamy, the leader of the junior partner in the coalition. Congress legislators, especially from north Karnataka, were irked that most of the budgetary funds were allocated to constituencies in southern Karnataka where the JD(S) had its base. Meanwhile, Yediyurappa was strategising a repeat of his 2008 gambit. But this time the BJP needed at least eight MLAs to cross the halfway mark.

THE HINDU ARCHIVES

Through the 14 months (May 2018-July 2019) that the Congress-JD(S) coalition was in power, there were numerous allegations that the BJP was attempting to entice the coalition MLAs through offers of money and ministerial positions if it returned to power. Alleged audio recordings of conversations between Yediyurappa and coalition MLAs were played out on media channels where the former could be heard promising plum Cabinet positions to potential defectors. The BJP's consistent efforts paid off when 17 coalition MLAs resigned in July 2019 and fled to Mumbai, necessitating a trust vote. In the extended debate that took place in the Assembly in the days preceding the trust vote, which took place on July 23, 2019, a JD(S) MLA stated that he was offered Rs.30 crore to switch loyalties. Another JD(S) member alleged that A.H. Vishwanath, one of the MLAs who had resigned, had been assured by BJP politicians that his loans totalling Rs.28 crore would be cleared.

WHOLESALE TRADE OF MLAS

Speaking during the trust vote, former Chief Minister Siddaramaiah of the Congress accused the BJP of indulging in "wholesale trade" of MLAs. He stated, "Even a layman can infer from the circumstantial evidence that the BJP is behind these defections. When you don't have the mandate, you come through the backdoor and try to gain power." In the depleted Assembly with 17 members disqualified, the BJP sailed through the trust vote and assumed power.

A political aide to a senior politician in Karnataka explained to *Frontline,* on the condition of anonymity, how such payments could have been made. "Everything happens in black money. The recipient has trusted associates to whom the payment is made. There are also *hawala* channels that are used to transfer money. Another way is that of defraying expenses, so when elections take place the entire expenditure of the candidate is borne by the party leaving the candidate free from any obligations. Real estate investments and shell companies are another common way in which payoffs are made," he stated.

While the 17 legislators who resigned cited "lack of development in their constituencies" as the reason for their peremptory move and denied that they had been lured by the BJP to switch parties, the fact that all of them joined the BJP after the trust vote revealed their opportunistic intentions. A few months after this episode, a video emerged in which Yediyurappa was seen saying that the "national president [Amit Shah at the time] was aware" of the move to woo the MLAs. Yediyurappa kept his promise of giving ministerial posts to 12 of the 17 legislators.

ASSAULT ON DEMOCRACY

"How can the offer of ministerial positions not be considered a bribe?" asked B.L. Shankar, vice president of the Karnataka Pradesh Congress Committee. He told *Frontline:* "The main issue is that the BJP is using loopholes in the anti-defection law and responsible institutions are not efficiently deterring them from going ahead with this assault on democracy. Defections have been going on for a long time in Indian politics, but the BJP has mastered this game. In 2019, in Karnataka, they used huge money and the promise of ministerial positions to lure MLAs. Had the Supreme Court ruled that the 17 MLAs would remain disqualified until the end of the government's term, it would have served as a deterrent for defections."

Shankar's reference to the Supreme Court decision is significant as the court had given a convoluted order with regard to the disqualification of 17 MLAs by the Assembly Speaker K.R. Ramesh Kumar. While the court upheld the disqualification of the MLAs, it allowed them to contest the byelection. This decision allowed the disqualified MLAs to get away without culpability.

THE HINDU ARCHIVES

YEDIYURAPPA AND BJP MLAs showing victory sign after the ruling Congress-JD(S) coalition lost its majority in the floor test in the Karnataka Assembly on July 23.

Valerian Rodrigues, retired professor of political science, Jawaharlal Nehru University, cited two factors for the defections in Karnataka. "The ambition of the defectors and the BJP's strategy of expanding its social constituency by luring MLAs from castes such as Vokkaligas and Kurubas who are not considered its traditional supporters."

Vikram Gopal, a journalist who reported on the 2019 events and produced a five-part podcast on the issue (houseonfirepodcast.com) said: "The 2019 defections in Karnataka had many triggers such as footloose MLAs who had no ideological loyalty to their parties and an unstable Congress-JD(S) coalition but it was Yediyurappa's desperation to become Chief Minister at any cost that brought about the defections.

This episode was significant because the BJP's central leadership used this template of engineering large-scale defections in Madhya Pradesh subsequently, where it succeeded, and in Maharashtra, where it failed." □

Doing the Centre's bidding

As an appointee of the Centre, many a Governor has chosen to serve the political interests of the ruling party at the Centre and chosen to forget his designated role as the first citizen of the State over which he reigns but does not rule. BY **SANJAY HEGDE**

THE LATE T.N. SESHAN'S REIGN AS CHIEF Election Commissioner was sought to be cut short by offering him the governorship of an important State. He brushed the offer aside saying: "I cannot be a Governor because that would make my wife a Governess." There was more truth in the joke than Seshan (a former Home Secretary) let on. A temporary servant, appointed for a reasonable period of time terminable at the pleasure of the master, to supervise and assist an unruly brood is a job description that fits both Maria von Trapp and, many years later, Kiran Bedi.

Kiran Bedi's abruptly concluded tenure as Lieutenant Governor of Puducherry had the air of a strict governess about it. There were several moments when former Chief Minister V. Narayansamy must have felt like an infant being disciplined by a nanny-like figure who almost took over the administration of the Union Territory. His protests against her were of no avail, and in the end, the Centre dismissed her just before Narayansamy's government was itself pulled down by defections. The Union Territory is now under President's Rule with no incumbent Chief Minister heading to the election this year. The nearly five-year tenure has seen the entire gamut of gubernatorial powers being used to hobble an elected Chief Minister who remained in office but seemingly at the displeasure of a Governor who was embroiled in day-to-day administration.

Kiran Bedi's clashes with the Chief Minister were reminiscent of the Arvind Kejriwal-Najeeb Jung fracas in the National Capital Territory of Delhi. There have been other instances in States such as West Bengal and Kerala, where Governors Jagdeep Dhankar and Arif Mohammed Khan too have had running spats with their respective Chief Ministers. Far from being a friend, philosopher and guide to the local Chief Minister, many a Governor appointed by the ruling party at the Centre has made life miserable for the Chief Minister of an opposition-ruled State. As an appointee of the Centre, many a Governor has chosen to serve the political interests of the ruling party at the Centre and chosen to forget his designated role as the first citizen of the State over which he reigns but does not rule.

CONSTITUTIONAL COLONIAL RELIC

An appointed Governor is a constitutional relic carried over from a colonial government. The office of the Governor in India can be traced to the advent of the East India Company. With Queen Elizabeth I's issuance of the charter of 1601, the Governor was bestowed with the legislative powers to make, ordain and constitute such laws, orders and ordinances as required for the governance of the East India Company. Various provinces ruled by various governors who reported to the Viceroy at the centre and who in turn reported to the Secretary of State for India was a model that served British India up to 1935. The democratic aspirations of the freedom movement and reforms towards responsible government eventually resulted in the passage of the Government of India Act, 1935, which established provincial Legislative Assemblies elected from a limited franchise. However, to ensure that that overriding power remained with the British, the Act retained the post of Governor, with vast discretionary powers. The elected governments of the Congress party refused to assume office without an assurance that Provincial Governors would not use their special powers and would let the ministries govern independently. They assumed office only after Viceroy Lord Linlithgow gave an assurance that: "There is no foundation for any suggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a province outside the limited range of the responsibilities confined to him."

The Indian Constitution, which is largely modelled on the Act of 1935, did not do away with the office of Governor but left it with little power. Draft Article 143 (what ultimately became Article 163 of the Constitution) was met with stiff resistance in the Constituent Assembly. When the motion to adopt the Article was tabled, H.V. Kamath from the Central Provinces raised an objection against it and suggested an amendment: "It would be wrong I say, to invest a Governor with these additional powers, namely, discretionary powers. I feel that no departure from the principles of Constitutional Government should be favoured except for reasons of emergency and these discretionary powers must be done away with." Brajeshwar Prasad from Patna demurred: "I feel that the Governor should be vested with the power of special responsibilities which the Governors under the British regime were vested in this country. I feel that there is a dearth of leadership in the provinces. Competent men are not available and there are all kinds of things going on in the various provinces. Unless the Governor is vested with large powers, it will be difficult to effect any improvement in the provincial administration. Such a procedure may be undemocratic but such a procedure will be perfectly right in the interest of the country...."

MANVENDER VASHIST/PTI

NAJEEB JUNG, when he was Lieutenant Governor of Delhi, at a press conference in New Delhi on August 4, 2016. Kiran Bedi's clashes with Puducherry Chief Minister V . Narayanasamy were reminiscent of the Arvind Kejriwal-Najeeb Jung fracas in Delhi.

Faced with differing perceptions in the Constituent Assembly, B.R. Ambedkar had the final word. His central argument was that the Governors would not have powers to overrule the decisions of the Council of Ministers. "The first thing I would like the House to bear in mind is this. The Governor under the Constitution has no functions which he can discharge by himself: no functions at all.... Even under this article, the Governor is bound to accept the advice of the Ministry. Therefore, the criticism that has been made that this article somehow enables the Governor to interfere or to upset the decision of the Cabinet is entirely beside the point, and completely mistaken." According to Ambedkar, the primary duty of the Governor was to ensure the discharge of "good, efficient, honest administration".

POTENT WEAPON IN CENTRE'S ARMOURY

Despite Ambedkar's formulation, the office of Governor remained a potent weapon in the armoury of an overbearing Centre in the quasi-federal structure of India. It did not help that gubernatorial appointments were largely confined to the political classes, with retiring politicians being put out to pasture in the vast expanses of Raj Bhavans all over the country. In the Constituent Assembly, Jawaharlal Nehru had said: "On the whole, it probably would be desirable to have people from outside—eminent people, sometimes people who have not taken too great a part in politics. Politicians would probably like a more active domain for their activities, but there may be an eminent educationist or persons eminent in other walks of life, who would naturally while cooperating fully with the Government and carrying out the policy of the Government, at any rate helping in every way so that that policy might be carried out, he would nevertheless represent before the public someone slightly above the party and thereby, in fact, help that government more than if he was considered as part of the party machine." In actual practice, however even Nehru's government largely confined itself to the political classes in its choice of gubernatorial appointments.

In the years before 1967, the Congress had a clear majority in most of the State Legislative Assemblies. The provincial ministries were therefore more or less stable. Moreover, as both the Union government and the State governments were run by the same party, there was little possibility of a serious Centre-State dispute. The Governor, as a natural consequence, played a ceremonious role and was largely beyond public controversy. There were exceptions such as the 1959 dismissal of the E.M.S. Namboodripad ministry in Kerala by Governor Bargula Ramakrishna Rao. In Kashmir, Sadr-e-Riyasat Karan Singh dismissed the Government of Sheikh Abdullah in 1953. These instances, however, were few and far in between.

The situation changed after 1967, when several non-Congress governments were formed in various States and the discretionary powers of the Governor came in handy in the making and unmaking of governments. The Governor's role became crucial in questions of choosing the Chief Minister, testing the majority enjoyed by the government, dismissal of a Chief Minister, dissolution of the Assembly and in recommending President's Rule. Even the Supreme Court recognised these broad areas of discretion. In the 1974 case of *Shamsher Singh vs the State of Punjab*, Justice Krishna Iyer ruled: "In short the law of this branch of our Constitution is that the President and Governor, custodians of all executive and other powers under various Articles shall, by virtue of these provisions, exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers save in a few well-known exceptional situations. Without being dogmatic or exhaustive, these situations relate to (a) the choice of Prime Minister (Chief Minister), restricted though this choice is by the paramount consideration that he should command a majority in the House; (b) the dismissal of a Government which has lost its majority in the House but refuses to quit office; (c) the dissolution of the House where an appeal to the country is necessary, although in this area the Head of State should avoid getting involved in politics and must be advised by his Prime Minister (Chief Minister) who will eventually take the responsibility for the step."

These areas of discretion enjoyed by Governors of the various States have been magnified in federal units that are not full States. Here the Lieutenant Governors have greater areas of operation and report directly to the Ministry of Home Affairs at the Centre. In the case of Delhi, amendments to the National Capital Territory Act have eroded the jurisdiction of the elected government and made the Lieutenant Governor almost a Governor General, without whose assent and active cooperation no substantial work of administration can proceed. A Kiran Bedi or a Najeeb Jung, thus, could immobilise an elected government in any area that looked likely to lack support at the Centre. Post 2019, a government with a renewed majority at the Centre has had little incentive to cater to State governments not allied to it. Thus, in Maharashtra, Governor Bhagat Singh Koshyari, early one morning, hurriedly swore in Devendra Fadnavis as Chief Minister without even satisfying himself that Fadnavis indeed had the necessary support in the House. Karnataka Governor Vajubhai Vala accelerated the demise of Chief Minister H.D. Kumaraswamy's coalition government.

In dealing with the States of the Union, the Central government almost emulates the British Empire's worst practices in dealing with component provinces. Rohini Kumar Chaudhury reminded the Constituent Assembly of the sordid manner in which Governors had operated under British-ruled India. "Sir, I know to my cost and to the cost of my Province what 'acting by the Governor in the exercise of his discretion' means. It was in the year 1942 that a Governor acting in his discretion selected his Ministry from a minority party and that minority was ultimately converted into a majority. I know also, and the House will remember too, that the exercise of his discretion by the Governor of the Province of Sindh led to the dismissal of one of the popular Ministers—Mr Allah Bux. Sir, if in spite of this experience of ours we are asked to clothe the Governors with the powers to act in the exercise of their discretion, I am afraid we are still living in the past which we all wanted to forget."

From Rohini Chaudhary to V. Narayansamy, the complaints of elected representatives against the wrongful exercise of discretion by unelected Governors remain constant. At least four substantial commissions have made various recommendations in this regard: the first Administrative Reforms Commission Report of 1969, the Sarkaria Commission Report of 1984, the National Commission to Review the Working of the Constitution of 1998, and the Punchhi Commission Report of 2010. Broadly speaking, these reports speak of appointing non-political Governors through independent broad-based mechanisms, securing the consent of the concerned Chief Minister to the appointment, and giving Governors a fixed, non-renewable tenure. There are also recommendations about the manner of exercising discretion in the appointment and dismissal of Chief Ministers and in the recommendation of President's Rule.

PRINCIPLES FOR REMOVAL OF GOVERNORS

Despite the availability of these recommendations, no single government after 1967 has actually endeavoured to act upon them. Governors have often been subject to a hire-and-fire regime based on the Central government's perception of their utility. In 1977, the Janata Party government at the Centre decided to terminate all Governors in States where the Congress party had been routed in the election. That principle was followed thereafter by the V.P. Singh government that came into power in 1989. When the United Progressive Alliance government came to power in 2004, some Governors were required to put in their papers. In *B.P. Singhal vs Union of India*, a Constitution Bench of the Supreme Court laid down the following principles for the removal of Governors: "The withdrawal of presidential pleasure under Article 156 cannot be an unfettered discretion, nor can it be arbitrary, capricious, unreasonable or *mala fide*. The power of removal should be used only if there is material to demonstrate misbehaviour, impropriety or incapacity. In other words, that removal should be only on existence of grounds which are similar to those prescribed for impeachment in the case of other constitutional functionaries."

The court further held: "We have... already rejected the contention that the Governor should be in sync with the ideologies of the Union Government. Therefore, a Governor cannot be removed on the ground that he is not sync or refuses to act as an agent of the party in power at the Centre. Though the Governors, Ministers and Attorney General, all hold office during the pleasure of the President, there is an intrinsic difference between the office of a Governor and the offices of Ministers and Attorney General. Governor is the Constitutional Head of the State. He is not an employee or an agent of the Union Government nor a part of any political team."

Despite the unambiguous declaration of the law, the constitutional heads of States, persist in remaining employed agents who are parts of a political team. The fault thus lies not in their stars but in the holders of the constitutional office themselves, who persist in seeing themselves as underlings. The fiercely independent T.N. Seshan of blessed memory correctly declined to govern himself into subservience. Thank God for that choice and all that he achieved in his independent stint in another constitutional office, that of Chief Election Commissioner. The contrast speaks for itself. □

Sanjay Hegde is Senior Advocate, Supreme Court of India.

Ridden with loopholes

Legal experts want the anti-defection law to be re-examined as it is not equipped in its present form to prevent rampant misuse of its provisions. BY **ZIYA US SALAM**

NAGARA GOPAL

A CONGRESS delegation led by M. Veerappa Moily, after submitting a memorandum to the Governor at Raj Bhavan in Hyderabad on March 23, 2019. In its representation, the delegation said Telangana Chief Minister K. Chandrasekhar Rao violated constitutional norms by encouraging defections to the Telangana Rashtra Samithi.

IN FEBRUARY, A MOTION OF CONFIDENCE moved by Puducherry Chief Minister V. Narayanasamy was not put to vote. The Speaker announced it defeated as the Chief Minister led a walkout by Members of the Legislative Assembly belonging to the ruling Congress-DMK alliance before the voting commenced. The government had been reduced to a minority with the resignation of six MLAs, two of whom resigned hours before the Chief Minister was asked by Governor Tamilisai Soundarajan to seek a vote of confidence.

The Puducherry Assembly has 33 members—30 elected MLAs and three nominated by the Central government. In the 2016 Assembly election, the Congress had won 15 seats and the DMK three. A Congress MLA was disqualified under the anti-defection law in July 2020. This reduced the party's strength to 14.

Irrespective of the stern provisions in the anti-defection law for disqualification, legislators have been circumventing it with impunity The Tenth Schedule of the Constitution providing provisions for disqualification on the grounds of defection, commonly known as the anti-defection law, was enshrined in the Constitution through the 52nd Amendment. It was further amended in 2003 through the 91st Amendment to the Constitution. According to the Act, a member of Parliament or a State Assembly belonging to any political party, shall be disqualified if he or she gives up the membership of the party or votes or abstains from voting in the House contrary to the whip issued by the party without prior permission. In the case of the merger of not less than two-thirds of the members of a legislative party with another party, the provisions do not apply. This was the case in Rajasthan, when shortly after the 2018 Assembly election all the six Bahujan Samaj Party MLAs joined the ruling Congress. They did not incur any disqualification because more than two-thirds, in this instance all the MLAs, joined the Congress.

The anti-defection law was introduced by the Rajiv Gandhi government in 1985 to end the malaise of the "aya Ram, gaya Ram" phenomenon in Indian politics. The term was used to describe legislators prone to switching allegiance frequently—here today, gone tomorrow. The provisions of the law were based on the recommendations of the 1978 Dinesh Goswami Committee on electoral reforms. Every time during government formation in recent years, especially when no party gets a clear majority, legal experts have scrutinised the provisions of the law that sought to end defections.

In March 2020, as the nation braced for the COVID-19 challenge, the Kamal Nath government in Madhya Pradesh was rocked by a series of resignations. Congress legislators were shepherded to hotels in complete secrecy to avoid poaching by the opposition Bharatiya Janata Party (BJP). The Congress government lost its majority when 22 MLAs resigned, and led by senior party leader Jyotiraditya Scindia, joined the BJP. The Congress had formed the government in December 2018. The party had won 114 seats and reached the majority with the support of two legislators of the Bahujan Samaj Party (BSP) and Samajwadi Party. Four independents had also offered their support to the Kamal Nath government. The first signs of threat to the government were reported in early March when senior Congress leader Digvijaya Singh alleged that the BJP was indulging in horse-trading by carting away eight MLAs to a resort in Gurugram. One of them returned a little later, but it turned out that there were 10 legislators in the resort, including seven of the Congress. These MLAs were then flown to Bengaluru and were joined by others, bringing the number of disaffected members to 22. Most of them were re-elected on the BJP ticket in byelections held in November. The BJP won 19 of the 28 seats that went to polls.

In 2019, the scene of political activity was Karnataka. Soon after the trust vote and the passage of the Finance Bill for a period of three months along with the supplementary budget, Speaker K.R. Ramesh Kumar, who had earlier disqualified 17 rebel MLAs of the Congress and the Janata Dal (Secular), tendered his resignation.

The disqualification of the ruling Congress-JD(S) MLAs helped the BJP as the effective strength of the House came down from 225 to 208. The BJP enjoyed the support of 106 MLAs. Before resigning, Ramesh Kumar made a plea for electoral reforms and called for a fresh look at the anti-defection law. "If we speak of rooting out corruption without electoral reforms, it will only be hypocrisy," he said. Pleading that the Tenth Schedule needs a "total re-examination", he contended that the law in its current form was not equipped with sufficient provisions to prevent defections. The House should put "a moral pressure" to amend it, Kumar urged.

Earlier, Kumar was in the limelight for allegedly failing to act promptly on the resignation of the ruling combine MLAs who, had been flown to Mumbai to avoid pressure from the ruling dispensation. The alleged delay by the Speaker in taking a call on resignations brought into public discourse a petition filed by the Telangana Congress, which was being examined by the Constitution bench of the Supreme Court. The petition revolved around the question whether the court can issue a directive to the Speaker to take a decision on the disqualification of members within a stipulated time. The petition came after several Congress MLAs switched allegiance to the Telangana Rashtra Samiti. The Speaker had then ignored a notice to disqualify them under the anti-defection law. They continued to attend the House proceedings leading to the Congress leader's petition before the Supreme Court.

'DESTRUCTIVE OF DEMOCRATIC PROCESS'

Even as the twin issues of the Speaker's inertia and legislators' resignation intertwine, the focus is well and truly on the anti-defection law with most constitutional experts in agreement that the Act needs a be looked at afresh.

Says noted constitutional law expert and author Gautam Bhatia: "The anti-defection law is clearly not working. People resign and get around the provisions of the Act. This is destructive of democratic process." He pointed to the possibility of members switching sides not because of ideological compulsions but because of political blackmail.

The anti-defection law is often flouted in spirit, if not in letter. The noted advocate Warisha Farasat agrees: "According to the provisions of the Tenth Schedule, unless two-thirds of the party defects, the members are disqualified. But what often happens is different as we saw in Goa and Madhya Pradesh. Two-thirds of the party did not shift. There have been cases where a party issues a whip, yet some members do not turn up for the no-confidence motion, and that is good enough for the government to fall. There is no legal magic wand to counter this, but this is definitely a huge problem. What we need to look at is the conduct of the parties that circumvent the Tenth Schedule. What has happened in the last six years is astonishing. You are getting people to switch sides, using this lacuna in the anti-defection law. You can tighten the law but the question is of conduct. If there are mala fides, as in the case of legislators switching sides through resignation, the Schedule is silent on that. But can you keep on tweaking laws? What is important to ask is, why has the misuse become so rampant over the past six years?"

According to Warisha Farasat, "The Act has been there since 1985, why is it that there is sudden misuse in State after State? Something has to be said about the party in power buying MLAs. The point is this [Central] government has no respect for laid down procedures, and constitutional propriety. The problem is not about the Tenth Schedule, one has to go deeper, and ask, when will political parties respect constitutional propriety?"

Advocate Rajneesh Chuni said: "Legislators have be-

K. MURALI KUMAR

CONGRESS and JD(S) MLAs, who had submitted their resignation to the Karnataka Speaker, outside the Raj Bhavan after a meeting with the Governor, in Bengaluru on July 6, 2019.

come smarter. They do not merge with another party. They merely resign from their party and circumvent the law. However, the whole burden falls on the common man, the voters who might have voted for a particular political party, then are dismayed to see their representative resign midway. They feel cheated. After resignation, the Speaker has to be proactive. He cannot sit on resignations endlessly. But if the resignations are accepted, elections are the only way out. There is no Assembly that has not been betrayed in recent years."

SPEAKER'S ROLE

Calling the anti-defection law "a paper tiger", which has "been under scrutiny for ineffective implementation", Chuni points out that there have been instances similar to the Karnataka case in the past. Citing the Supreme Court 1992 judgments in *Kohito Hollohan vs Zachillhu and others* and *Keisham Megachandra Singh vs the Honourable Speaker, Manipur* (2020), he said: "The crux of these judgments is, 'It is time Parliament has a rethink on whether disqualification petitions ought to be entrusted to a Speaker as a quasi-judicial authority when such a Speaker continues to belong to a political party either *de jure* or *de facto*. Parliament may seriously consider amending the Constitution to substitute the Speaker of the Lok Sabha and Legislative Assemblies as arbiter of disputes concerning disqualification, which arises under the Tenth Schedule." Incidentally, in the Kohito Hollohan case, the apex court had noted: "A large number of petitions were filed before various High Courts as well as this court challenging the constitutionality of the amendment [52nd amendment]. This court transferred to itself the petitions pending before the High Courts and heard all the matters together."

The court had also dealt with the issue of an individual's preference to vote on a certain issue and the larger issue of collective responsibility of the legislators of a political party, and noted: "A political party functions on the strength of shared beliefs. Any freedom to its members to vote as they please independently of political party's declared policies will not only embarrass its public image and popularity, but also undermine public confidence in it, which, in the ultimate analysis, is its source of sustenance, nay, indeed, its very survival. Paragraph 2(1)(b) of the Tenth Schedule gives effect to this principle and sentiment by imposing a disqualification on a member who votes or abstains from voting contrary to 'any directions' issued by the political party. The provision, however, recognising two exceptions; one when the member obtains from the political party permission to vote or abstain from voting and the other when the member has voted without obtaining such permission... his action has been condoned by the political party."

The Manipur judgment dealt with the case of the Congress emerging as the single largest party with 28 seats and the BJP as the second largest with 21 seats. Talking of the Speaker's role in the said case, the court felt that it was time "Parliament seriously considered amending the Constitution to substitute the role of the Speaker as arbiter of disputes concerning disqualification with a permanent tribunal headed by a retired Supreme Court judge or a retired Chief Justice of a High Court."

As for the anti-defection law, suggestions have been made to bar legislators who resign mid-term from contesting elections during the same term. Says Bhatia, "It is one way to plug the lacuna, but there is no straight forward answer here. We have seen instances of the voters choosing the same MLA/MP again in byelection. Voters are not punishing turncoats."

Chuni said: "It needs to be looked at. Even the Supreme Court has felt this needs some type of amendment. Otherwise it is a redundant law. It is not serving (the) particular purpose it was made for. Somebody trying to enter another party after having won on another party's ticket should not be allowed to contest elections, at least in that particular term of the Assembly."

That, however, is easier said than done, as we have seen in the recent byelections in Karnataka and Madhya Pradesh; most legislators who resigned from the Congress or the Janata Dal (S) came back to the Assembly on the BJP ticket. That is where the question of ethics comes in. Warisha Farasat said: "In the same cycle of the Assembly you should not be allowed to contest. I am not saying take away completely the freedom of choice from legislators, but they should not be allowed to contest in the same term. Laws are drafted presuming there will be bona fide on the part of the legislators. Bring the amendment. As an independent observer, I feel, the challenge is to get the main political party to respect the rule of law and respect constitutional propriety. We have not seen this kind of constitutional subversion for a long time. The law cannot ensure everything. No law is perfect. There could be a problem with the anti-defection law, but a greater problem lies in lack of constitutional propriety and respect for the rule of law, and the spirit of the anti-defection law."

So, despite its limitations and drawbacks, a law framed with all good intentions suffers because of mala fide intent today. ☐

High-stakes triangular contest

The entry of the Indian Secular Front in a big way into the electoral arena has changed the electoral equations and calculations in West Bengal. BY **SUHRID SANKAR CHATTOPADHYAY**

IT was not the high voltage campaigns of Prime Minister Narendra Modi or Chief Minister Mamata Banerjee or Union Home Minister Amit Shah that set the tone for the Assembly election in Bengal. It was the historic rally of the Left-Congress-Indian Secular Front (ISF) on the Brigade Parade Ground on February 28 that did it. It destroyed the popular perception that the election would essentially be a bipolar fight between the ruling Trinamool Congress and the Bharatiya Janata Party (BJP) and established without a shadow of a doubt that Bengal was about to witness a triangular contest in one of the most unique Assembly elections in recent times. The event also brought to the fore a new political force that will not only have an immediate impact on the elections but may be a major factor in Bengal's electoral politics in the days to come, for sharing the stage with the Left-Congress leaders was Abbas Siddiqui, the influential Islamist cleric and founder of the newly floated Indian Secular Front (ISF). The new alliance has changed the political dynamics in the State and sprung several possibilities, including those of post-election adjustments.

The 2019 Lok Sabha election established that the Trinamool and the BJP were the two biggest political parties in the State. While the Trinamool secured 43 per cent of the votes, the BJP came a close second

with around 40 per cent. The Left and the Congress, which have entered into an alliance for the 2021 election, could only manage 7.5 per cent and 5.6 per cent respectively in 2019. In the given scenario the Left and the Congress were perceived as parties that would have to struggle just to remain relevant. However, much has changed in the two years since then. The BJP's rise has slowed down to some extent—in spite of all the defections from the Trinamool—owing to popular disenchantment with the policies of the BJP-led government at the Centra. The Trinamool Congress, meanwhile, faces a strong anti-incumbency sentiment and is struggling to keep its house in order. The Left and the Congress, on the other hand, have been quietly asserting themselves both politically and socially. Several incidents gave further impetus and momentum to the Left-Congress combine. However, it was not until Abbas Siddiqui took the stage alongside the Left-Congress leaders, and lakhs of ISF supporters lent their voice to the massive roar of the crowd at the Brigade Parade Ground that a third alternative emerged for the electorate.

The development has thrown open the field for everyone, making it impossible to predict any outcome with certainty. The Brigade rally was an eye-opener for both the Trinamool and the BJP. While the huge turnout of Muslims supporters of the ISF was a cause for concern for the Trinamool. Muslim votes have long been firmly behind Mamata Banerjee. In the 2019 parliamentary election, her party had a lead in 81 per cent of the 74 Assembly segments in which the Muslim population was above 40 per cent. With the BJP breathing down its neck, the Trinamool needs the support of the minorities more than ever now. But the massive turnout of the youth at the rally does not bode well for the BJP either. With its promise of development and employment, the saffron party hopes to secure the support of young voters. Siddiqui, though a new face in Bengal politics, has a large following, particularly in south Bengal, which is known to be Mamata Banerjee's stronghold. According to political observers, he can be a factor in the electoral outcome in over 80 constituencies in south Bengal.

Assembly 2016 result

TOTAL SEATS **294**

West Bengal

	Seats won
Trinamool	211
Left Front	32
Congress	44
BJP	3
GJM	3
Independent	1

GJM: Gorkha Janamukti Morcha

The Trinamool leadership has claimed that it welcomes the revival of the Left as that would mean a weakening of the BJP. The BJP's growth in the State is seen to be concomitant with the decline of the Left. Between the Assembly election of 2016 and the Lok Sabha election of 2019, the BJP's vote share rose from 10.16 per cent to 40.3 per cent, while the Left's share fell from 26.6 per cent to 7.5 per cent. State Panchayat Minister Subrata Mukherjee said: "We want even more people to attend the Left-Congress rallies, and we want the Left and the Congress to put up a strong united front, so the supporters who had left the CPI(M) to join the BJP will return to the CPI (M)." According to him, if such a shift does take place, then the Trinamool is certain of winning a two-thirds majority in the 294-seat House.

However, political observers feel that allying with an Islamist leader like Siddiqui may also bring certain risks for the Left-Congress combine and even certain advantages for the BJP. The psephologist Biswanath Chakraborty said: "While there is a chance of the Muslim votes getting split between the Trinamool and the Left-Congress-ISF, there is also the possibility of polarisation of the Left-Congress combine's Hindu supporters towards the BJP. There is another possibility of this development reducing the chances of the Hindu votes returning to the Left-Congress from the BJP." According to a highly placed BJP source, the ISF's political move has raised the prospects of the party in 20-25 seats which it had not earlier hoped to win.

HIGH STAKES & VIOLENCE

This will be one of the most high-stakes elections in recent time, with each contestant poised for a fierce battle. While many feel that it will be a do-or-die battle for Mamata Banerjee and her Trinamool Congress, much is at stake for the BJP too. It is a prestige battle for Modi and Amit Shah, who have time and again claimed that their party will win with a thumping majority, and the fight is against one of Modi's most vocal and persistent critics—the "street fighter" from Bengal, Mamata Banerjee. The Trinamool has labelled the election as a battle for India's democracy. Mamata Banerjee herself has said that defeating the BJP is not just imperative for the preservation of Bengal's culture and secular politics but also for ending the saffron party's rule in the country. For the Left and the Congress, too, this is a chance to emerge from political wilderness and become relevant in the State again.

With the stakes remaining so high, violence—which has always been part and parcel of Bengal politics – is also increasing. There is a new

DIBYANGSHU SARKAR/AFP

AT A JOINT RALLY of the Congress, the Left and the Indian Secular Front in Kolkata on February 28.

PTI

CHIEF MINISTER Mamata Banerjee rides an electric scooter during a protest against the hike in fuel prices, in Kolkata on February 25.

chant on the lips of the local leaders, the foot soldiers, the booth-level organisers of political parties as they prepare for the upcoming Assembly election—it is "khela hobe" (the game will be played). It sounds innocuous enough until the implication of the slogan becomes apparent and the underlying menace and message come through clearly. The slogan, started off by the ruling party, quickly caught on among the opposition. "Khela hobe" has become the euphemism for hurling threats at each other. With clashes taking place almost on a daily basis and crude bombs and other weapons being discovered regularly, the 2021 election has the potential to be one of the most violent Assembly elections in recent times. Even Ministers are not spared: on February 18, Minister of State for Labour Jakir Hossein was grievously injured in a bomb attack.

Keeping this "ground reality" in mind, as Chief Election Commissioner Sunil Arora put it, the State will witness an unprecedented eight-phase election this year. The first phase will be held in 30 constituencies on March 27; the second in 30 seats on April 1; the third in 31 seats on April 6; the fourth in 44 seats on April 10; the fifth in 45 seats on April 17; the sixth in 43 seats on April 22; the seventh in 36 seats on April 26; and the eighth in 35 seats on April 29. While opposition parties have welcomed the decision of stretching out the polling process, Mamata Banerjee was annoyed. Pointing out that elections in many districts will be held in different phases, she said: "The elections will be held in three phases in South 24 Paraganas just because we are strong in that district...Has this been done on the instructions of Narendra Modi and Amit Shah to facilitate their visits to different constituencies?"

TOUGH CHALLENGE

The ruling party faces perhaps its toughest battle so far. Reeling under numerous allegations of corruption and mismanagement, fighting against a strong anti-incumbency sentiment, and facing continuous defection of top leaders to the BJP, it is falling back on its successful social welfare projects like Kanyashree and Sabuj Sathi. Mamata Banerjee has also recently launched several outreach programmes—Duarey Sarkar (government at the doorstep), Paray Paray Samadhan (resolution in the neighbourhood) and the Swasthya Sathi health insurance scheme; these have had a major impact.

But the strongest trump card for the Trinamool is still Mamata Banerjee herself—by far the biggest mass leader in the State. There is nobody in the BJP who comes close to her in popularity. The Trinamool's newly-coined electoral slogan "Bangla Nijer Meye ke Chai" (Bengal wants its own daughter) not only projects her as the face of the Trinamool campaign, but also re-emphasises the party's main allegation against the BJP—that it is a party led by "outsiders". The allegation stems from the perception that central leaders of the saffron party, namely Narendra Modi, Amit Shah, J.P. Nadda and Kailash Vijayvargiya, are the main campaigners and architects of the BJP in Bengal. The slogan also highlights another important aspect of the Trinamool's campaign—protection and socio-economic uplift of the State's women.

For all the problems that the Trinamool may be facing, there is no scope for complacency in the BJP camp. No matter how virulently it may attack the government on issues like corruption and failure of governance, it has no answers to its opponents' attacks on issues arising out of the Centre's policies, particularly the skyrocketing prices of petrol, diesel and cooking gas, which are hurting the State's huge middle-class population. Even Prime Minister Narendra Modi's promise of turning industry-starved Bengal into "Sonar Bangla" (Golden Bengal) cannot stop the murmurs of resentment from getting louder. Moreover, for all the top leaders that the BJP has whisked away from the Trinamool, including Mukul Roy, Suvendu Adhikari and Rajib Banerjee, and for all the money it is allegedly spending on its campaign, it still lags behind the ruling party in its organisational strength at the grassroots and at the booth level. There is a feeling that the party may be losing steam at a time when it should be accelerating its campaign. Also, the BJP's strategy of not presenting a chief ministerial candidate is causing confusion among voters.

The election strategist for the Trinamool, Prashant Kishor, believes that the BJP will not be able to cross 100 seats. He even put his job on the line, saying, "If the BJP wins more than 100 seats in Bengal, then I will leave this job... I will do something else but not this work." □

Moments of high drama

With twists and turns at every corner, the run-up to the Tamil Nadu Assembly election is packed with suspense and intrigue as the political fronts led by the DMK and the ruling AIADMK get ready for a do-or-die battle. BY **R.K. RADHAKRISHNAN**

THE number of twists and turns that Tamil Nadu has witnessed in the run-up to the Assembly election is ironically dictated by an influential player without a significant base in the State. Each one of the major changes in its politics in a short span of time has the unmistakable stamp of the ruling party at the Centre, the Bharatiya Janata Party (BJP).

The latest twist occurred on the evening of March 3 when V.K. Sasikala, former Chief Minister Jayalalithaa's close aide, announced that she was "withdrawing" from politics so that "true followers" of Jayalaithaa could unite and defeat the "evil force", namely the Dravida Munnetra Kazhagam (DMK). "I was never keen on occupying any office or position of authority.... I will continue to pray to Puratchi Thalaivi and God for the establishment of Amma's golden regime [in Tamil

EDAPPADI K. Palaniswami, Chief Minister, and O. Panneerselvam, Deputy Chief Minister, at the party headquarters in Chennai on February 24.

RAGU R

JOTHI RAMALINGAM B.

V.K. SASIKALA, a close confidante of former Chief Minister Jayalalithaa, with T.T.V. Dinakaran, AMMK general secretary, in Chennai on February 24.

Nadu]," she said in a two-page statement on plain paper with no party name or designation. Earlier, Sasikala had claimed that she was the general secretary of the All India Anna Dravida Munnetra Kazhagam (AIADMK).

With this announcement, her nephew and Amma Makkal Munnetra Kazhagam (AMMK) founder, T.T.V. Dinakaran, who is a claimant to the Jayalalithaa legacy, appears to have been boxed in: if he does not enter into an understanding with the AIADMK, he will be accused of splitting the 'Amma' vote. He told mediapersons: "I tried to convince her [Sasikala] not to take a decision like this. She had made up her mind. She said this was the right decision."

Dinakaran had hoped that Sasikala would fight alongside him and make a serious impact in the election scheduled for April 6. In the AIADMK's view, Sasikala's decision to stay away has increased its chances of winning a sizeable number of seats. The BJP welcomed the development. C.T. Ravi, BJP's Tamil Nadu in-charge, said: "We welcome Sasikala's decision. Jayalalithaa's dream was a unified AIADMK. We hope T.T.V. Dinakaran too will fulfill this dream of Jayalalithaa."

FIGHT FOR SURVIVAL

The two Dravidian majors, the DMK and the AIADMK, are locked in a bitter fight for survival in the upcoming election. A defeat for the DMK will mean a serious setback for the party's president M.K. Stalin, since the party has been out of power in the State for a decade. A defeat for the AIADMK may lead to an exodus of members to other parties. Worse, the party itself could possibly slip from the hands of the current leadership of Chief Minister Edappadi K. Palaniswami and Deputy Chief Minister O. Panneerselvam, to Dinakaran.

The DMK's allies are the Congress, the Communist Party of India (Marxist) and the Communist Party of India, the Viduthalai Chiruthaigal Katchi (VCK), the Marulamarchi Dravida Munnetra Kazhagam (MDMK), the Indian Union Muslim League (IUML) and the Manithaneya Makkal Katchi (MMK). At the time of filing this report, the DMK had finalised seat-sharing arrangements with most parties, barring the Congress.

The AIADMK has allied with the BJP, the Pattali Makkal Katchi (PMK), the Desiya Murpokku Dravida Kazhagam (DMDK), and a few smaller entities. It has completed seat-sharing talks with the PMK, while negotiations with the DMDK remained stuck.

TWISTS AND TURNS

Since the death of Jayalalithaa on December 5, 2016, there were several attempts at capturing the party. The first claimant was Deepa, Jayalalithaa's niece, who showed up a few days before her death. She was portrayed as someone who resembled Jayalalithaa and the ecosystem propping her up planted stories that she behaved exactly like Jayalalithaa. She lost relevance in a few months. This was followed by the February 2017 drama by Panneerselvam at the Amma Memorial, where he began his 'dharma yuddham' against the Sasikala clan, soon after he was made to resign as Chief Minister. The attempt failed but S. Gurumurthy, a Sangh Parivar ideologue, claimed that he had orchestrated the whole show. Panneerselvam sought an inquiry into the circumstances leading up to the death of Jayalalithaa in a hospital in Chennai, which he claimed was 'mysterious'.

Assembly 2016 result

TOTAL SEATS 234

Tamil Nadu	Seats won
AIADMK	136
DMK	89
Congress	8
IUML	1

IUML: Indian Union Muslim League

In the same month, Sasikala installed Edappadi Palaniswami, a former Minister, as Chief Minister before going to prison to serve her term in a disproportionate assets case in which Jayalalithaa was Accused 1. Palan-

KARUNAKARAN M

M.K.STALIN, DMK president, during an outreach programme in Chennai on February 28.

iswami was seen as a political novice but he made his peace with Panneerselvam in a truce reportedly brokered by the BJP. Panneerselvam was made Deputy Chief Minister in August 2017 as part of this deal.

A few months later, in December 2017, after the surprise victory of Dinakaran in the R.K. Nagar byelection (the seat had fallen vacant following Jayalalithaa's demise), it was widely expected that the party would be in his hands.

After her release from a Bengaluru jail in February, Sasikala arrived in Chennai with a bang, after a 23-hour journey from Bengaluru to Chennai, meeting party supporters, only to announce in March that she was withdrawing from politics.

TWO FRONTS AND SMALLER PLAYERS

Significantly, in the 2016 election, the DMK-Congress alliance had won nearly 100 seats even when Jayalalithaa was alive. The general perception then was that the DMK lost the game narrowly because of the presence of the Makkal Nala Koottani (MNK), a third front comprising the DMDK led by actor Vijayakanth, the MDMK, the VCK, the CPI and the CPI (M), in the fray. The MNK obtained 6.1 per cent of the votes but did not win a single seat.

However, four of these parties—the MDMK, the VCK, the CPI and the CPI(M)—entered the DMK-led alliance in 2019 for the Lok Sabha election. The alliance registered a landslide victory, winning 38 of the 39 seats, which translates to a win in 216 of the 234 Assembly seats. The alliance is intact now, although there have been reports of some differences over seat sharing.

In contrast, the AIADMK remains fractious, with differences simmering between Palaniswami and Panneerselvam papered over by BJP-brokered unity. Adding to its troubles was the AMMK factor as Dinakaran is going ahead with electoral plans undeterred by Sasikala's decision to stay away from politics. The BJP's hand is suspected to be behind this decision after its efforts to convince Palaniswami to take the AMMK along failed.

Palaniswami's new-found confidence apparently stems from his image makeover exercise through a publicity blitzkrieg, last-minute populist measures such as farm loan waiver, granting 7.5 per cent reservation to government school students clearing the NEET examination, acceding to the PMK's demand for 10.5 per cent internal reservation in the Most Backward Caste (MBC) quota, and increasing the retirement age of government employees from 59 to 60.

The DMDK, which has become emaciated because of Vijayakanth's health problems, has been in the AIADMK alliance but it is facing seat-sharing issues, which were snowballing at the time of going to the press.

Real and shadow battles

While the Congress and the N.R. Congress fight it out in Puducherry, the BJP is expected to carry on its mission of undermining the public mandate. BY **R.K. RADHAKRISHNAN**

THERE are real electoral battles and then there are shadow combats. In the real world of Puducherry, which goes to the polls for 30 Assembly seats on April 6, the actual battle is between the Congress, which is popular in the Union Territory, and former Chief Minister N. Rangasamy, head of the NR Congress, whose simple lifestyle and ability to connect with people has endeared him to voters.

However, there is a plethora of political parties to choose from: the All India Anna Dravida Munnetra Kazhagam (AIADMK), the Dravida Munnetra Kazhagam (DMK), the Pattali Makkal Katchi (PMK), the Viduthalai Chiruthaigal Katchi (VCK), the Left parties—Communist Party of India (Marxist) and Communist Party of India—and the Bharatiya Janata Party (BJP). But the main fight is between two fronts—one led by the Congress and the other by the N.R. Congress.

Both the VCK and the CPI(M) have grown significantly in terms of cadre in the past decade, while the AIADMK, once a strong political force, has witnessed a decline in fortunes. However, given the complex electoral calculations that involve the neighbouring State of Tamil Nadu, neither the VCK nor the CPI (M) would want to go it alone or form a third front.

BJP'S INTEREST

The shadow battle is between the Congress and the BJP, which is fighting for a "Congress-*mukt* Bharat" (Congress-free India). This battle has been in the making in Puducherry for a while. When the BJP realised that 10 per cent of the Assembly members (three MLAs) can be appointed through nomination, its interest in the Union Territory grew manifold, chiefly because the party considers the largely Tamil-speaking Puducherry an entry point to the last bastions of BJP resistance—Tamil Nadu and Kerala. The Puducherry Union Territory consists of areas in Tamil Nadu (Puducherry and Karaikal), Kerala (Mahe) and Andhra Pradesh (Yanam).

In the past the nomination was done on the basis of the recommendations of the elected government, but the BJP did not think it fit to observe such parliamentary niceties. It nominated its office bearers, who had lost their deposits in the 2016 Assembly election, with the help of the Lieutenant Governor (L-G) Kiran Bedi

Soon after the death of K.G. Shankar, a nominated MLA and BJP's Puducherry treasurer, in January, the BJP nominated the party unit vice president T. Vikraman. It appeared that a plan was being hatched, because Assembly election was due in five months and nomination of an MLA for that period seemed unnecessary.

Assembly 2016 result

TOTAL SEATS **30**

Puducherry	Seats won
Congress	15
AINRC	8
AIADMK	4
DMK	2
Independent	1

AINRC: All India NR Congress

The BJP had three MLAs, who were crucial in a vote of confidence in the Assembly in February, in which the BJP brought down the Congress government.

In short, while the

Although the BJP lost the deposit in 180 of the 188 seats that it contested in the 2016 election, polling less than 3 per cent of the votes, it is playing a major role in the AIADMK alliance.

The PMK, which projected itself as an alternative to the Dravidian parties in the 2016 race and secured 5.36 per cent of the votes, is also with the AIADMK.

The BJP, which tried to prop up actor Rajinikanth as a game-changer in Tamil Nadu politics, has not given up its efforts to gain a foothold in the State.

It has been working at the ground level, converting smaller caste groupings into allies, and launching a campaign to portray the DMK as anti-Hindu.

In its outreach work, the BJP and the wider Sangh Parivar used all the available local deities for the purpose, even taking out a 'vel yatra' touching on Lord Murugan's six abodes, at the height of the COVID-19 pandemic.

The government, which wanted to send a message to the people that it was dealing with all political parties with a firm hand, added a comic touch by arresting BJP leaders every day and releasing them later. The leaders would come back the next day and carry out the 'vel yatra', only to be arrested and let off again. This bizarre drama continued for nearly a month.

Although there is much at stake, the DMK camp is barely displaying any nervousness. Its leadership believes that the AIADMK's record of governance will be enough to propel the DMK to office.

Stalin noted in a tweet on February 27: "Farmers, weavers…. all sections of people are affected by the policies of the BJP-AIADMK government. Look at job losses, job freeze, inflation, faulty GST implementation, NEET and NEP [New Education Policy] imposition…. Let us make Tamil Nadu raise its head

Congress seems to enjoy the support of the people by and large, the BJP's strong-arm tactics and the decidedly partial manner of working of the L-G ensure that no elected government, other than one of the BJP's choice, will be able to function in a free manner, making a mockery of the entire Assembly and the public mandate. Former Chief Minister V. Narayanasamy said that the voters would not forget the manner in which Congress MLAs were lured or threatened, the inability of the so-called opposition to form a government afterwards, and the deceptive manner in which the government was brought down.

He said: "A few legislators left the Congress for a price. Due to pressure by Amit Shah [Union Home Minister], the Speaker overthrew the Congress government.... This was done a mere 10 days before the announcement of the election by the Election Commission. This is a shameful act perpetrated on the people of Puducherry by the BJP leadership."

Although the Congress and the DMK do not agree on some issues, Narayanasamy said, their alliance was intact. This time around, the VCK is likely to join the alliance. The Left parties, too, are in the alliance, making it a formidable combination.

A former bureaucrat said: "Regardless of the fact that the Congress has been in power for five years, chances are bright for the Congress alliance to come back." He attributed this to the fact that the Congress had managed to keep the Union Territory moving ahead despite many hurdles placed in its path. He said: "For once, it appears that people believe that Kiran Bedi was actually not allowing the government to function. If only this haphazard manner of removal of the Congress government had not taken place, I am sure that the N.R. Congress would have won."

ALLIANCE HICCUPS

There are hiccups in the NR Congress-AIADMK-BJP alliance as well. Rangasamy was unhappy over the comments of BJP leaders and Amit Shah's speech about the BJP forming the government in Puducherry. Rangasamy had hoped that the BJP would announce him as the chief ministerial candidate. Since this has not happened, he is left wondering why his party should even ally with the BJP, which is a lightweight in Puducherry.

The AIADMK is playing the wait-and-watch game because its options are limited: it can either be part of this alliance or it can go it alone. The party is not keen on the second option as it would mean total annihilation at the hustings. At the time of going to press, Rangasamy was undecided on an alliance with the BJP, and was still engaged in the process of consultation.

Just before the election announcement, the Central government appointed two retired IAS officers as advisers to the L-G: C. Chandramouli and A.P. Maheshwari. This appears to be an indication that the additional charge of Puducherry given to Telangana Governor Tamilisai Soundararajan will continue for some time. The officers are participating in programmes though the model code of conduct is in force. The excuse for the violation is creation of awareness on the COVID-19 vaccination programme.

Prime Minister Narendra Modi visited Puducherry in February and attacked Narayanasamy on various issues, but the former Chief Minister countered him with facts and statistics. This was followed by Amit Shah's visit to Karaikal. The BJP believes that the mere presence of Amit Shah will ensure that the party gets to lead the alliance and make a dent in the deep south. There are over eight lakh voters in the Puducherry region, comprising 25 Assembly constituencies, including Mahe and Yanam. The voter population in Karaikal, which has five constituencies, is 1.6 lakh.

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again." He has been addressing a series of 'gram sabha' meetings, which have attracted huge crowds. His sister and three-time MP, Kanimozhi, who was fielded as a star campaigner for the party, much ahead of the election announcement, is focussing on specific issues that have affected Tamil Nadu.

While the opposition has been attacking the government for its various foibles, the government claims it is asking the people to vote on the basis of its track record in governance.

Speaking to mediapersons on February 26, the Chief Minister said: "As many as 304 new industries set shop in Tamil Nadu and 10 lakh jobs have been created in the State. We made many investments during the pandemic time, which did not happen in other States."

The announcement of an early election has stumped both the DMK and the AIADMK since there is limited time for campaigning. T.K.S. Elangovan, senior DMK leader and MP, said: "A new government needs to be formed only by May 15. We expected the elections only in the third week of April. The date of election is forcing us to quickly deal with a host of issues. All political parties are affected."

Although Tamil Nadu, Kerala and Puducherry will vote on April 6, the people will have to wait for almost a month for the results.

As the two major alliances are involved in a high-stakes electoral battle, actor Kamal Haasan has been trying to project himself as the leader of a third front in the making. (His Makkal Needhi Maiam garnered 3.72 per cent of the votes in 2019.) So far, he has only managed to get the support of insignificant parties such as the Samathuva Makkal Katchi, led by actor Sarath Kumar, and the Indhiya Jananayaka Katchi, led by T.R. Paarivendhar, who won the 2019 Lok Sabha election with the support of the DMK alliance. □

Playing with fire

The AIADMK fast-tracks a Bill providing exclusive reservation for the Vanniyar community in Tamil Nadu with an eye on electoral gains, but the decision has angered other caste groups and may backfire on the ruling party. BY **ILANGOVAN RAJASEKARAN**

RARELY has a government passed an important Bill that has serious socio-political implications in such a hurry as the Tamil Nadu government did recently in the case of giving the Vanniyar community, a powerful caste group in Tamil Nadu, 10.5 per cent internal reservation within the 20 per cent reservation already in place for Most Backward Castes (MBCs) in education and employment.

The Bill was passed in the penultimate session of the Tamil Nadu State Legislative Assembly on February 26, just an hour before Election Commission of India (ECI) announced the next round of Assembly election. Governor Banwarilal Purohit swiftly gave his assent to it and the government wasted no time in gazetting it as a law, shortly called the Special Reservation Act of 2021. The move triggered an intense debate in Tamil Nadu. However, those for and against the Bill did not have a clear idea of how or whether it would benefit the targeted group or how many would be directly affected by it.

Chief Minister Edappadi K. Palaniswami, who is also the joint coordinator of the ruling All India Anna Dravida Munnetra Kazhagam (AIADMK), remains confident that the passing of the Bill will brighten his party's chances in the Assembly election scheduled for April 6 because it meets the demand of the Pattali Makkal Katchi, a party with a strong base among Vanniyars, which is part of the AIADMK-led coalition.

AIADMK supporters were apprehensive and jubilant in equal measure. While some leaders, who need Vanniyars' support to boost their political prospects in the areas where the caste group is predominant, said that the timing of the Bill was masterly, there were others who were apprehensive of its impact in other regions of the State.

The Chief Minister's haste in fast-tracking the Bill showed his desperation. He took a political gamble despite knowing that the move would have serious repercussions for the party in the southern and central districts where Vanniyars are numerically weak. Palaniswami was worried that any erosion in the AIADMK-led coalition would be a disaster for him as a leader and his party, which is already under strain owing to internal tension.

JOTHI RAMALINGAM B

EDAPPADI K. Palaniswami, Chief Minister of Tamil Nadu.

The upcoming election is crucial for Palaniswami since he is the party's chief ministerial candidate and shoulders the responsibility of spearheading the campaign for the AIADMK, which is weighed down by its alliance partner, the Bharatiya Janata Party (BJP). Hence, he had a compulsion to retain the Pattali Makkal Katchi in the alliance by acceding to its demand.

Sources told *Frontline* that a series of parleys were held between the AIADMK and the PMK by senior functionaries and Ministers on the issue of internal reservation before the Bill was passed and the alliance clinched almost simultaneously. The AIADMK had asked PMK founder Dr. Ramadoss to keep the demand at bay until the election was over. The party leaders were of the opinion that if Vanniyars were given importance in reservation, a very sensitive subject in the State, it would anger other major caste groups such as the Maravas, the Ambalathars and the Piramalai Kallars, who are powerful in the southern and central districts.

While tabling the Bill, the Chief Minister had, in fact, told the Assembly that the Bill was based on the recommendations of the Justice Janarthanan Committee, and was temporary. He said that the Justice Kulasekaran Committee, appointed by his government to undertake a caste survey, was working on it and that, after getting the latest data, the reservation slab could be re-modified. But Ramadoss was steadfast in his demand. It was obvious that the Chief Minister had no option but to give in to the pressure mounted by the PMK leader w who had set internal reservation for Vanniyars as a pre-condition for remaining in the alliance. Fearing the electoral implications of the PMK waking out of the alliance, Palaniswami acceded to the demand, which had been rejected even by former Chief Ministers M.G. Ramachandran and Jayalalithaa.

KARUNANIDHI'S FORMULA

About 30 years ago, under similar pressure from the PMK, Chief Minister M. Karunanidhi split the OBC reservation into two blocks: BC (Backward Caste) and MBC. But he wisely avoided providing an exclusive quota for the Vanniyars as demanded by them. Instead, he brought the Vanniyars and their subcastes, Denotified Communities such as Maravas, Ambalakarars and Piramalai Kallars, besides a few other BCs, under the MBC category, thus minimising the damage the split would have caused to the sociopolitical fabric of the State.

Ramadoss was not happy with Karunanidhi's decision even though he conferred on him the title "Custodian of Social Justice", at a meeting organised by the PMK. He maintained that the Vanniyars had been 'betrayed' and denied their due share in reservation. He said that the MBC category was too crowded to share 20 per cent reservation. Ever since, he has been demanding exclusive reservation for Vanniyars on the grounds that they constituted 24 per cent of the State's population and accounted for 80 per cent of the MBC population. The PMK also organised Statewide stirs in support of its demand. "I have been demanding separate 20 per cent reservation for us for 40 years. I met M.G. Ramachandran, Jayalalithaa and Karunanidhi and urged them that Vanniyars should be given separate reservation. We are not against any caste group getting their due. Now I have compromised for internal reservation with a scaled down percentage within the MBC grouping," Ramadoss said.

> Palaniswami was worried that any erosion in the AIADMK-led coalition would be a disaster for him as a leader and his party.

He also claimed that no Vanniyar had been appointed in the Tamil Nadu Public Service Commission in the past 15 years, adding that no Vanniyar was a Director of any department in government services or among the vice chancellors in the State's 23 universities, or among the High Court judges. Besides, no one from the Vanniyar community could become the Chief Minister in the past seven decades. Although many observers, including political leaders, had refrained from openly criticising the move, privately the issue had become a talking point. As expected, it led to a flurry of activities among various caste groups, which started demanding exclusive reservations for their respective castes in Tamil Nadu's total reservation of 69 per cent.

M. PRABHU

DR S. RAMADOSS, founder and leader of the PMK.

RESENTMENT OF OTHER CASTES

The development also led to a strong resentment among DNCs, which powerful groups such as the Maravas, Ambalathars and Piramalai Kallars. The other castes in the MBC category were also unhappy. A social activist who wished to remain anonymous said: "When there is no quantifiable data available on caste groups, why should you rush through the Bill for such an internal reservation favouring one particular caste?"

D. Ravikumar, the Member of Parliament from Villupuram and general secretary of the Viduthalai Chiruthaigal Katchi (VCK), said: "It's just an election exercise." He demanded that reservation slabs should be fixed on the basis of the Census data of caste groups.

The Vanniyar caste grouping, with a few sub-castes such as Padayachi, Palli, and Agnikula Kshatriya, is mostly confined to the northern districts and a few parts in the western districts of Tamil Nadu, including Edappadi, Palaniswami's home constituency.

The present slab of MBC reservation for 109 castes has been divided into three categories: 10.5 per cent for Vanniyars, 7 per cent for DNCs (68 castes) and 2.5 per cent for other castes. In 1990, the Supreme Court ruled that reservation should not exceed 50 per cent. But the Tamil Nadu government, under the then Chief Minister Jayalalithaa, passed the Tamil Nadu Act of 1994 in the Assembly and received constitutional protection for the same by including it under the Ninth Schedule. The 69 per cent of reservation after the present split in the MBC category has the following composition: BC 30 per cent (26.5 per cent + 3.5 per cent internal reservation for Muslims) MBC 20 per cent (Vanniyars 10.5 per cent, DNCs 7 per cent, other castes 2.5 per cent); Scheduled Castes 18 per cent (S.Cs 15 per cent, Arunthathiyars 3 per cent); and Scheduled Tribes 1 per cent. □

Confident of second innings

Bolstered by the resounding victory in the local body elections, and with the UDF in disarray, the ruling Left Democratic Front exudes hope of securing a second consecutive term in office.

BY **R. KRISHNAKUMAR** IN **THIRUVANANTHAPURAM**

Vote for LDF
ഉറപ്പാണ്
LDF
LDF

PTI

A WORKER PUTS UP an LDF election campaign banner featuring Chief Minister Pinarayi Vijayan, in Kochi on March 5.

NO ruling party or coalition has won the mandate for a second successive term in office in Kerala, except once in 1977, and the State is well known for alternating its preference between the Communist Party of India (Marxist)-led Left Democratic Front (LDF) and the Congress-led United Democratic Front (UDF) coalitions.

Yet, the ruling LDF led by Chief Minister Pinarayi Vijayan, confident of its development accomplishments and governance record of the past five years—achieved under trying circumstances—has picked a bold and confident slogan for the upcoming Assembly election: ‘It will be the LDF, for sure.’

The coalition’s confidence is not just an expression of hope; it arises from the decisive victory it tasted in the local body elections held in December. Despite the allegations of corruption and charges of nepotism levelled by the Congress and the Bharatiya Janata Party (BJP) against the government, the people of Kerala gave the LDF a thumping victory, which was widely seen as a reward for the positive impact of the government on everyday life.

The results of the local body elections were also a reminder to the opposition parties that they needed to reorient their strategies to make a mark in the Assembly election, since the State government's performance in handling challenges such as the Okhi cyclone, two devastating floods that came a year apart and the threat of the Nipah and COVID-19 viruses, had stood it in good stead.

The government was also lauded for the series of welfare measures it implemented during the pandemic and during the time of the deep economic distress that followed.

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നാട് നന്നാകാൻ UDF

MAHINSHA S.

LEADER OF THE OPPOSITION Ramesh Chennithala with (from left) P.K. Kunhalikutty of the IUML, Congress leaders K.C. Venugopal, Mullappally Ramachandran and Oommen Chandy during the release of the UDF election logo, in Thiruvananthapuram on March 3.

UDF'S HOPES

The UDF's election hopes, however, stem from its reassuring performance in the Lok Sabha election in 2019 under comparable circumstances; eventhen , the LDF government seemed to have a lot going for itself and its performance graph was as good as it is now. The UDF made a game-changing election-eve manoeuvre by fielding the Congress' undeclared prime ministerial candidate Rahul Gandhi in Wayanad. Then, by choosing the other candidates with care and avoiding infighting to a large extent, it rode an anti-Narendra Modi wave created by Rahul Gandhi's candidature to win 19 out of 20 seats in the State, where the Christian and Muslim minority communities together account for nearly 45 per cent of the population.

However, for the upcoming election, the anti-Modi factor is unlikely to be strong enough to drive minority votes to the Congress fold. In the last week of February, Rahul Gandhi still drew crowds as he met his voters in Wayanad and addressed an election rally in Thiruvananthapuram, where he attacked the LDF government. He also drew attention mixed with curiosity as he undertook journeys off the coast of Kollam, jumping into the sea with fisherfolk on one occasion—to learn the ropes, as it were—even as Opposition Leader Ramesh Chennithala raised allegations of corruption in an agreement for deep-sea trawling signed by a government department with a United States-based company. It even led Pinarayi Vijayan to make a cryptic comment: “We thank Rahul Gandhi for showing such keen interest in Kerala.”

Assembly 2016 result

TOTAL SEATS **140**

Kerala	Seats won
LDF	
CPI(M)	58
CPI	19
JD (S)	3
NCP	2
KC(B)	1
CMP	1
Congress (S)	1
NSC	1
UDF	
Congress	22
IUML	18
KC(M)	6
KC(Jacob)	1
Independents	6
NDA	
BJP	1

However, with just over a month left for voting at the time of filing this report, the Congress was yet to reveal if indeed it had a trump card or if it would just keep bombarding the government with a volley of allegations.

Immediately after the local body election debacle, a shocked Congress leadership intervened at the request of UDF coalition partners, bringing in former Chief Minister Oommen Chandy to lead the party's election campaign committee, ensuring that all the top leaders worked together, and directing the high command's representatives to visit each district and ensure that grass-roots workers worked for the party rather than for groups within it.

However, the biggest test of this newly-forged unity will be the candidate selection process , an ongoing exercise fraught with dangers that the Congress usually surmounts only after suffering debilitating effects.

WINNING NEW ALLIES

Meanwhile, the LDF has been doing its homework well after its Lok Sabha election disaster, with the CPI (M), unlike earlier, eagerly welcoming the smaller parties and factions that drifted away from the UDF into its fold, making its coalition a 11-party cohesive formation under a strong leader, with hardly any dissension among its partners.

Small parties and even a small change in their allegiances can tilt the balance in Kerala politics. The new entrants in the LDF include two former allies of the Congress, the Loktantrik Janata Dal (LJD) and the Kerala Congress faction led by Jose K. Mani. The inclusion of the two parties in the LDF had reduced the UDF to a weakened alliance of nine parties. Also, with the exit of the Kerala Congress (Jose K. Mani faction), the Congress remained the only UDF party of some clout in central Kerala, the State's minority Christian heartland and, for long, a UDF stronghold.

In the local body elections, although the LDF had registered good

THULASI KAKKAT

FINANCE MINISTER Nirmala Sitharaman with State BJP president K. Surendran at a function in Tripunithura held in connection with his Statewide 'Vijay Yatra', on February 28.

performances in the southern and northern districts, some of the significant gains were made in the central districts of Kottayam, Pathanamthitta and Idukki, where the UDF traditionally had the upper hand.

NEW CALCULATIONS IN CENTRAL KERALA

The UDF suffered serious setbacks even in areas that were the fiefdoms of top Congress leaders Oommen Chandy and Ramesh Chennithala. The splinter Kerala Congress (P.J. Joseph) group, which still remains in the UDF, suffered defeats even in Joseph's strongholds in Idukki district, especially in Thodupuzha municipality, his home turf. The battle for central Kerala this time will, therefore, be of much significance for the State's politics, as the BJP too has been actively wooing the leaders of various Christian denominations, raising the bogey of the Muslim League dominating the affairs of the UDF and a weakened Congress being able to play only second fiddle in any future UDF administration.

In the local body elections, the UDF managed to salvage some prestige only in the Muslim League strongholds in northern Kerala, where it reportedly chose to enter into a controversial 'secret' understanding with the Welfare Party, the political wing of the Jamaat-e-Islami, a Muslim organisation. This 'secret' pact led to an open fight within the Congress itself and the BJP tried to exploit it to its advantage all over the State.

As a political commentator said recently, the BJP, which had so far been trying to create a "Hindu-non-Hindu divide" to gain a foothold in the State, may well be trying to engineer a "Muslim-non-Muslim division" now to change the bipolar nature of the State's politics.

BJP'S MOVES

K. Surendran, BJP State president, has repeatedly emphasised at every other meeting that the Congress is a "spent force in Kerala" and that the "real battle this time" was between the CPI (M) and the BJP, even as his party colleagues have been holding meetings with church leaders and inviting some of them for a consultation with the Prime Minister.

The BJP had for long remained on the margins of electoral politics in the State, but over the past few elections, it has extended the nature and scope of its lonely challenge from a few pockets in some districts to almost all districts of the State, and reaped the rewards by making good use of the weaknesses of existing coalitions.

The idea of a weakening Congress in Kerala is a heady aspiration for the party that rules the country. In this election, it is not just stating that it will become a strong force, but, perhaps rather too ambitiously, claiming "a victory in Kerala", as Surendran declared recently at the launch of his 'Vijay Yatra' election rally from Kasaragod to Thiruvananthapuram.

Yet, despite its growth in the State, the party could win only a single seat in the Assembly election in 2016, when O. Rajagopal won from the Nemom constituency, a victory the LDF later alleged was the result of an "unholy alliance" with the Congress.

There is no guarantee that the BJP will retain the seat in this election, or win a couple more, what with some prominent personalities like the technocrat E. Sreedharan, former chairman of the Delhi Metro Corporation, joining the party and likely to find a place in its candidate list.

Significantly, what the local body elections revealed was the terribly weakened party structure of the Congress, and its inevitable dependence on the limited but critical strengths of its smaller regional allies such as the Muslim League for survival against the LDF. Pinarayi Vijayan had been stating for some time now that the Congress has been adopting positions "quite similar to that of the BJP", which has made it "difficult for people to differentiate between the Congress and the BJP".

In the context of the April 6 Assembly election in Kerala, the presence of an aggressive BJP leaves little room for complacency for the two traditional Fronts in the State. It is a critical battle for both the Congress and the CPI(M), as they take on each other and fight their common enemy in this election.

In the 2016 Assembly election, the LDF won 91 of the 140 seats, the UDF 47 seats and the BJP one. P.C. George, a controversial crusader-politician prone to switching loyalties, won the Poonjar seat in central Kerala as an independent candidate defeating candidates of all the three Fronts and 15 other independents for a historic victory. Later, he joined the National Democratic Alliance. □

Changing scene

Election to the 126-member Assam Assembly, scheduled to be held in three phases, sees the BJP, AGP and UPPL forge an electoral alliance. But the Congress-led 'mahajot' is likely to change the poll arithmetic and make the going tough for the ruling coalition. BY **SUSHANTA TALUKDAR**

ASSAM is poised for a three-cornered contest in the election to the 126-member State Assembly that will be held in three phases, on March 27, April 1 and April 6. .

The ruling Bharatiya Janata Party (BJP) and its allies reached a seat-sharing deal on March 4-5. The talks between the BJP and the Asom Gana Parishad (AGP) reached the doors of Union Home Minister Amit Shah and BJP national president J.P. Nadda in Delhi as the parties failed to finalise the deal at the State level. The BJP will contest in 91 seats while the Rabha Hasong Aikya Manch will contest in one seat on the BJP symbol. The AGP, the BJP's coalition partner in the State, will contest in 26 seats, and the United People's Party Liberal (UPPL) in eight. (The BJP, the UPPL and the Gana Suraksha Party (GSP) share power in the Bodoland Territorial Council (BTC).) The BJP has announced its first list of 70 candidates. The party has dropped 11 sitting legislators, including a Cabinet Minister.

BIJU BORO/AFP

HOME MINISTER Amit Shah, flanked by Assam BJP president Ranjeet Kumar Dass and Chief Minister of Assam Sarbananda Sonowal, at a rally at Kendukuchi in Nalbari district on January 24.

MAHANTA DENIED TICKET

The AGP is not fielding Prafulla Kumar Mahanta, the party's founder president and two-time Chief Minister, in his home constituency, Barhampur, in Nagaon district. The seat has been allotted to the BJP in the deal. The regional party has left five of the 14 seats it won in the 2016 election to the BJP, while the BJP has left four seats it won to the AGP. Mahanta, who was undergoing treatment in Delhi, has returned to Guwahati. He has been protesting against the Citizenship (Amendment) Act (CAA), 2019, and has said he will support any party opposed to the Act. Mahanta has been elected from Barhampur seven times in a row since 1985 when the Assam Movement he spearheaded culminated in the signing of the Assam Accord and the formation of the AGP.

There are indications that the AGP may split, with Mahanta and his followers reviving the AGP (Pragatisheel), formed in 2005. Sources close to Mahanta said the AGP (Pragatisheel) might contest in 15 seats and that he was in touch with leaders of the Congress-led *mahajot* (grand alliance) to form an electoral understanding. Assam Pradesh Congress Committee president Ripun Bora said Mahanta was in touch with them. Mahanta floated the splinter group after he was expelled by the AGP on charges of "anti-party" activities. He merged the AGP (Pragatisheel) with the parent party in 2008.

The seat-sharing deal between the AGP and the BJP sparked off protests by workers of both parties. Those opposed to the deal vowed to work against the official nominee of the ruling alliance and back rebel candidates. In Patacharkuchi constituency in Bajali district, BJP workers are against the candidature of State party president Ranjeet Kumar Dass. AGP workers in the constituency are not in favour of his candidature. Ranjeet Kumar Dass won from Sarbhog constituency in 2016 and 2011, which used to be the stronghold of the Communist Party of India (Marxist). The *mahajot* has allotted the seat to the CPI(M) this time, which made the BJP field Ranjeet Kumar Dass from a new constituency. The BJP, however, is yet to announce its candidate for Sarbhog. Chief Minister Sarbananda Sonowal will be contesting from Majuli, while Himanata Biswa Sarma, senior BJP leader and Health, Education and Finance Minister in the Sonowal Cabinet, will be contesting from Jalukbari.

Revolt in the BJP over the candidates list and seat sharing is seen in the State's political circles as a manifestation of battle between Sonowal and Sarma, the two power centres in the saffron party, and a bid by the Sarma camp to sideline the Chief Minister in the matter of selection of candidates.

CONGRESS ALLIANCE

The Congress has formed the *mahajot* with the Bodoland People's Front (BPF), the All India United Democratic Front (AIUDF), three left parties—the CPI(M), the Communist Party of India, the Communist Party of India (Marxist- Leninist)—and the Anchalik Gana Morcha, a newly formed regional party. The Congress has left 21 seats to the AIUDF, two seats each to the CPI(M) and the Anchalik Gana Morcha and one seat each to the CPI and the CPI(M-L), while in three or four seats the party is likely to enter into a "friendly contest" with the AIUDF. The BPF has urged the *mahajot* allies to leave all the 12 seats in BTR to the party but the Congress is under pressure from its leaders and workers in the Bodo heartland to contest in some seats in the BTR to keep organisational bases intact. The seat-sharing deal among the *mahajot* partners has triggered protests among Congress workers in some constituencies that have been allotted to other parties. Transfer of votes will remain a critical factor in the determination of the electoral prospects of the common candidates of the grand alliance.

Assembly 2016 result

TOTAL SEATS **126**

Assam	Seats won
BJP	60
Congress	26
AIUDF	13
AGP	14
BPF	12
Independent	1

AIUDF: All India United Democratic Front
AGP: Asom Gana Parishad
BPF: Bodoland People's Front

The Assam Jatiya Parishad (AJP) and the jailed peasants activist Akhil Gogoi's Raijor Dal, two regional parties born out of the vigorous movement against the CAA, have not been able to reach a consensus on seat sharing, forcing the AJP to unilaterally announce the first list of 18 candidates at a press meet in Guwahati. The Raijor Dal skipped the meeting. The AJP president Lurinjyoti Gogoi will be contesting from Duliajan while former Minister Jagadish Bhuyan will be contesting from Sadiya. This has triggered speculation that the alliance of the two new parties may crumble in view of differences over seat sharing. The AJP was formed at the behest of the All Assam Students' Union (AASU) and the Asom Jaityatabadi Yuba Chatra Parishad (AJYCP), while the Raijor Dal was formed by Akhil Gogoi's Krishak Mukti Sangram Samiti, a peasants rights body, and 69 allied organisations.

The anti-CAA movement lost its steam following the nationwide lockdown in view of the COIVD-19 pandemic in 2020, but the issue has returned as a major election plank with the formation of the two new regional parties.

In the 2016 Assembly election, the BJP won 60, the AGP 14, the BPF 12, the Congress 26, the AIUDF 13 and independent one. The BJP formed a rainbow alliance with the AGP, the BPF, and organisations representing Tiwas, Misings and Rabhas tribes to defeat the Congress, which had ruled the State for three consecutive terms from 2001 to 2016. In 2016, the BJP contested in 89 seats and the AGP in 30. The two parties had friendly contests in four seats.

The BJP polled 42.12 per cent of the votes in the seats it contested while the party's share in the total votes polled was 29.51 per cent. The AGP polled 33.37 votes in the seats it contested and its share in the total votes polled was 8.14 per cent. The AASU and the AJYCP had played a key role in the victory of the BJP-led alliance in 2016 but this time the two influential organisations have given a call for defeating the BJP for "imposing" the CAA and going back on its election promise of implementing the Assam Accord and providing constitutional safeguards under Clause 6 of the accord.

The Congress-led allaince has changed the poll arithmetic. In 2016, the Congress contested in 122 seats, the AIUDF in 74, the CPI(M) 19, the CPI 12 and the CPI (M-L) seven. The split in votes of the Congress and the AIUDF helped the BJP-led coalition win many seats. The Congress secured 32.06 per cent of the votes and the AIUDF 21.34 per cent of the votes in the seats they had contested. The total vote share of the Congress and the AIUDF was 30.96 and 13.05 per cent respectively. The vote share of the CPI(M), the CPI and the CPI (ML) in the seats contested by them was 3.38, 2.10 and 2.01 per cent respectively.

The BPF's exit from the BJP-led coalition was apparent as the two parties fell out in the BTC elections held in December 2020. The BJP chose the UPPL as its new ally and dumped the BPF. The BPF emerged as the single largest party in the BTC areas but after ruling the BTC for three consecutive terms since 2005 it lost power to the BJP-UPPL-GSP coalition. The three BPF Ministers in the Sonowal government are yet to quit. The BPF was a partner in the Congress-led government headed by the late Tarun Gogoi from 2006 to 2014 but quit it in the aftermath of the Congress' defeat in the 2014 Lok Sabha election.

The AJP and the Raijor Dal failed to adopt a clear approach to the *mahajot*. Akhil Gogoi, who is in custody since December 2019 in a case registered by the National Investigation Agency (NIA) after his arrest during the anti-CAA agita-

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CONGRESS general secretary Priyanka Gandhi Vadra launches "Assam Bachao" campaign theme song at a public meeting ahead of the Assembly election, in Tezpur on March 2.

tion, has described the Congress alliance with the AIUDF as a "historic blunder." In an "open letter", he appealed to all opposition parties, including his own party and the AJP, barring the "communal" AIUDF, to unite and field common candidates to defeat the "communal and fascist" BJP. The AJP distanced itself from Akhil Gogoi's position and reiterated its political position not to forge any alliance with national parties and "communal forces" such as the BJP and the AIUDF. The Congress and the AIUDF have been appealing to all opposition parties, including the AJP and the Raijor Dal, to join the *mahajot* to defeat the BJP-led coalition but the two new regional parties have rejected the appeal.

The noted public intellectual, Professor Hiren Gohain, quit as chief adviser of the Raijor Dal after the party released Akhil Gogoi's letter at a press conference. Announcing his decision, Gohain said that Akhil Gogoi's appeal had gone against his long-held opinion about the AIUDF. Gohain pointed out that the grand alliance not only included the AIUDF but also left and other parties. He maintained that the BJP was indulging in "misleading propaganda" by dubbing the AIUDF and its president Badruddin Ajmal as "communal".

The BJP and the AGP have been pushing the campaign that the AIUDF was formed to oppose the scrapping of the Illegal Migrants (Determination by Tribunals) Act, 1983, which had posed hurdles to the implementation of the core clause of the Assam Accord dealing with detection, deletion of names, and expulsion of "illegal Bangladeshi migrants".

Akhil Gogoi's letter, which was written from his temporary prison cell at Guwahati Medical College and Hospital, where he is undergoing treatment, is likely to bolster the BJP-AGP campaign that the Congress' alliance with the "communal" AIUDF is "detrimental to the interests of the indigenous communities in the State".

CAMPAIGN RALLIES

Election rallies addressed by Prime Minister Narendra Modi and Amit Shah and the campaigns of Congress leaders Rahul Gandhi and Priyanka Gandhi have set the tone for a high-stakes battle for both the parties. Modi and Amit Shah harped on development works, such as construction of roads and bridges to improve connectivity, cash assistance to tea garden workers, self-help groups, students, and beneficiaries of different schemes. The BJP described the 2016 election as the "last battle of Saraighat" and promised to implement the Assam Accord in letter and spirit playing on the apprehension of the Assamese and other indigenous communities of being overwhelmed by "illegal Bangladeshi migrants". Modi and Amit Shah, however, refrained from referring to the Assam Accord, the CAA or the National Register of Citizens (NCR) in their speeches.

The Congress has launched the "Save Assam Campaign" and has made the CAA, implementation of the Assam Accord, rising unemployment, rise in prices of petrol, diesels liquefied petroleum gas cylinders and essential commodities, and the BJP's failure to keep its poll promise of increasing daily wages of tea garden workers its major campaign planks.

The Congress is making an all-out effort to regain its lost support base among tea garden workers. Rahul Gandhi and Priyanka Gandhi promised to pay tea garden workers Rs.365 as daily wages if elected to power. The Sonowal government, in its last Cabinet meeting, decided to increase the daily wages of tea garden workers to Rs.217 but it is yet to take effect. Garden workers are still paid at the current rate of Rs.167 a day against the BJP's promise in 2016 to pay Rs.351.

The consolidation of the BJP among tea garden workers helped it increase its tally in the 2019 Lok Sabha election even though the State witnessed a vigorous movement against the CAA. The BJP won nine of the 14 Lok Sabha seats, the Congress won three, and the AIUDF and independent candidates won one seat each. This increased the confidence level in the BJP that the ruling alliance has an edge over the opposition. □

Hundred days of brotherhood

The ongoing farmers' protest at the Delhi borders, which completed 100 days, has not only spread to the rural hinterland but also forged new solidarities across castes and communities that could affect the equations of political parties in States that face Assembly elections. BY **T.K. RAJALAKSHMI**

THE ONGOING FARMERS' PROTEST AT THE borders of Delhi against the three farm laws—Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act and the Essential Commodities (Amendment) Act, 2020—shows little signs of abating. On March 6, the peaceful sit-in by thousands of farmers, including women, at the Singhu, Tikri, Ghazipur, Shahjahanpur and Palwal protest points completed 100 days. If anything, the agitation has evolved and spread out beyond Delhi, and new solidarities across castes and communities have emerged that could affect the equations of political parties in States that face Assembly elections shortly.

The issues are not just about the farm laws any more, but about inequities in the concentration of wealth, sectarian politics, farmer suicides, income disparities, corporate monopolies, the role of women in agriculture and declining nutritional levels in children. The issues do not concern only farmers. This is a *dharma yudh* (moral battle of good versus evil), the farmer union leaders say, exhorting every section of society for support.

Sustaining a movement over a bitter winter and a scorching summer is not easy. The farmer protesters realise that there is some media fatigue, too, which the Narendra Modi government hopes to capitalise on. "Wear them out" seems to be the strategy. The farmers' protest has been more or less blacked out by most of the mainstream media, including the print media, but has support from an entire generation of YouTube citizen journalistswho make short videos of the leaders' speeches that are then circulated on the Internet. Each speech gathers thousands of likes and views, keeping the momentum of the movement alive. The online news media also continue to keep the issue alive.

Support continues to pour in in myriad forms to keep the protest going. Farmer leaders rubbish claims that the movement has weakened. They say that the Bharatiya Janata Party (BJP) tried to communalise the incidents of January 26. The present phase is even more spread out, they say. A section of the government-friendly media circulated visuals of thinning crowds at the protest sites. Farmers whom *Frontline* spoke to said this was factually incorrect. If at all farmers had left, they had done so temporarily, to attend to their crops that were due for harvesting. Rajan Jawala, a farmer from Shamli district who made frequent visits to the Ghazipur site, said: "I left, too, as the sugarcane had ripened, but I returned soon after. We are offering sugarcane juice to the farmers at the protest sites." He said there were "replacement" units comprising groups

ANUSHREE FADNAVIS/REUTERS

FARMERS gather at an expressway near Kundli border in Haryana, on March 6 to mark the 100th day of the ongoing protest against the farm laws.

of farmers to take the place of those who had returned to the villages to attend to their crops. The tents pitched at all the protest sites were *in situ*, undisturbed.

Farmer leaders also realised that the movement needed to be taken to the rural hinterland and the widest possible unity mobilised among the rural population, both landed and landless and across gender, in order the sustain the protests at the borders. The Central trade unions, too, decided to pitch in with the Samyukta Kisan Morcha (SKM), the joint front of 41 farmer unions that is coordinating the all-India protests, in a more concerted way.

PROTESTS IN THE RURAL HINTERLAND

On February 22, a mammoth rally was held at Barnala, Punjab, where more than a lakh farmers and agricultural workers congregated against the farm laws. The Barnala meeting was organised by the Bharatiya Kisan Union (BKU) (Ekta-Ugrahan), which has the largest following among farmers, along with the Punjab Khet Mazdoor Union. This show of strength was to bolster the morale of the farmers protesting at the borders.

In almost every State, mahapanchayats were held, and drew huge crowds. The farmer leadership realised that even though the khaps (caste councils) had organised protest meetings, it was better that the protests had an amorphous character rather than a caste-specific one. The khaps were, after all, associated with the Jat community, and mobilising the non-Jats was equally important. The slogan of "*Kisan mazdoor ekta zindabad*" (Long live farmer-worker unity), which had become the rallying slogan at every protest meeting, had been crafted consciously by the farmer leadership. This was also necessary to keep away any potential divisive narrative. At every meeting, the BKU leader Rakesh Tikait underscored how the BJP had tried to create a wedge between Hindus and Sikhs. He also referred to the communal rift in Western Uttar Pradesh in 2013 that had led to the "separation" of the Jats from their "Muslim brothers". The BJP leadership is no longer regarded with deference in these areas.

In the first week of February, Union Minister Sanjeev Balyan, who was elected from Muzaffarnagar in 2019, had to beat a hasty retreat from Bhainswal village in Shamli district, Uttar Pradesh, where he had gone along with another leader, Suresh Rana, to "educate" the farmers about the farm laws as part of the BJP's outreach programme. Balyan, who is also an accused in the 2013 Muzaffarnagar riots case, had reportedly been directed by the BJP leadership to persuade the khaps and the Jat community to return to the party's fold. The "farmer outreach" became an out-of-reach challenge for the BJP's Jat leadership. On the other hand, Rakesh Tikait, his brother BKU (UP) president Naresh Tikait, and Ajit Singh of the Rashtriya Lok Dal drew huge crowds at their public meetings.

Every day, the farmer leaders issued videos explaining the importance of the protests and the schedule of meetings. Often, the youth volunteers took over the stage; on some days, the women managed the show. There were no apparent social or religious divides nor overt religious references. In fact, the farmer leaders emphasised the importance of unity, reaching out to Dalits and minorities. Identifying *poonjiwaad* (capitalism) as the main enemy in their speeches, farmers invoked the names of B.R. Ambedkar; Sant Ravidas, the bhakti movement poet-mystic; Sir Chhotu Ram, the legendary messiah of peasants; and Sardar Ajeet Singh, uncle of Shaheed Bhagat Singh, who led the famous Pagdi Sambhal Jatta movement against the British. Typically, the meetings were peppered with references to the freedom movement, comparing the atrocities of the British raj with the present regime.

For instance, at a "farmer, worker, trader" convention at Majra Pyau in Hisar district, Haryana, a speaker referred to a police attack on Gurnam Singh Chaduni, president of the BKU, Haryana, comparing it to the police lathicharge on freedom fighter Lala Lajpat Rai. Addressing the meeting, Chaduni declared: "Why should we fight? What has been snatched away from us? What is our struggle? What are the options that we have but to struggle?" He said that the freedom struggle had been fought by ordinary people, not by *poonjipatis* (capitalists): "*Desh aap ne azaad karwaya* (you are the ones who liberated the country)." He added: "For 60 years they [the Rashtriya Swayamsewak Sangh] didn't unfurl the national flag on their office, and they teach us what is patriotism. ...Tell me if any *poonjipati* has committed suicide. What was the use of the freedom struggle? *Ek ghante 90 crore ki aamdani hai jisse poore kisanon ka karza maaf ho sakta hai* (In one hour, the capitalists earn Rs.90 crore, which is equal to the entire farmer debt in the country). And it is this capitalist class that owes huge debts to banks." He also mentioned that there was a "gap" that needed to be addressed—that farmers (landowners) had to get "our Dalit brothers" to join. He said that the Dalits wanted to join the protests but the onus was on the upper castes to get them. "We have to go to them," he stressed.

The Hisar public meeting ended with a reminder to the public that the fight was between "the janta and the corporates". In village after village, at every mahapanchayat, people were told that the protests at the borders had to be sustained by a roster system. Villagers were told to "make committees in every village and set up a system of participation by rotation".

All farmer leaders stress that the farmers have no quarrel with the police or the local administration, but that they would not allow BJP leaders or any of their supporters to campaign among farmers. Chaduni reminded the crowds at the Hisar meeting: "They beat us, put up barricades. We broke five barricades to reach Delhi. There are 35 cases against the farmer leaders, including cases under IPC 307. Those who do not allow us to do rallies or spray water cannons on us and file cases—should we allow them to enter the villages? Any brother who has not stood with us and contests elections, do not vote for him." He added that brotherhood was important and that the Dalit brethren were needed in the movement. He concluded with: "*Sadbhavana banane ki zaroorat hai* [There is a need to create goodwill]. We appeal to them to have a photo of Sir Chhotu Ram in their homes and to the upper castes to place Babasaheb Ambedkar's photo in theirs." Similarly, at a mahapanchayat meeting in Rudrapur, Uttarakhand, where the entire leadership of the SKM was present, all the farmer leaders reminded their audience that it was a *dharma yudh*.

Amra Ram, vice-president of the Rajasthan unit of the All India Kisan Sabha (AIKS), told *Frontline*: "There was some despondency after the January 26 events. But people realised that there was a conspiracy to defame the farmers. After the Ghazipur events happened, and there was an attempt to forcibly remove the protesters, including Rakesh Tikait, from there, things changed. In fact, there has been an expansion of support after January 26. The mahapanchayats are drawing huge crowds, and in Uttar Pradesh, we've managed to reach as far as Ballia in Eastern Uttar Pradesh. The crowds everywhere are beyond the expectations of those organising the mahapanchayats. In Rajasthan alone, we've had a dozen mahapanchayats with huge participation."

Amra Ram was returning to the Shahjahanpur border after one such meeting at Nagaur, Rajasthan. He said that in the eastern parts of Rajasthan, otherwise known for conflicts between the two dominant communities of the Gujjars and the Meenas, the resistance against the farm laws had brought these communities together. He said: "They came to the Shahjahanpur border to support the farmers' protest with food and other material. It is as if the differences never existed."

Meo Muslim farmers from the Mewat region (comprising parts of Rajasthan, U.P and Haryana) supplied milk for tea for the farmers sitting on protest at both Shahjahanpur and Ghazipur. Amra Ram said: "They collect milk from each household. It's a continuous supply. All communities are helping, that is what is keeping the agitation alive." In Junehra village, Kaman tehsil on the Rajasthan-Haryana border in Bharatpur, farmers cleared the standing wheat crop to make space for 25,000 persons. There were huge protests in Madhya Pradesh too, a BJP-ruled State. Amra Ram said Rakesh Tikait was in great demand as he had become the face of the agitation after January 26. It was, after all, Tikait's tears that changed the equation overnight in favour of the farmers' movement that had threatened to come asunder following the events of January 26 and the bombardment of negative publicity, courtesy the government-friendly media.

Leaders of the BJP, however, continued to refer to the farmers' protest in narrow caste terms. Amra Ram, a four-time former legislator of the Communist Party of India (Marxist), said: "It is part of their divisive agenda. If there is a protest in East Rajasthan, it would be referred to as a Meena ka andolan. If it is in the Shekhawati belt, it would be referred to as a Jaton ka andolan. But we say everywhere that it is a kisan andolan."

SUPPORT FROM THE SOUTH

At Singhu border, which has been fortified by both the Delhi and Haryana police with multi-level barricades in order to make accessing the protest site difficult, *Frontline* met Shareef, an activist of the Democratic Youth Federation who had come from Telangana by train along with three others. Shareef said: "We wanted to tell the farmers that they are not alone. In Telangana, there were huge protests against the farm laws and a lot of state repression too." Shareef and his friends visited all four borders, expressed solidarity with the farmers and spent a total of eight days at all the four major protest sites. At Singhu, where they landed first, they said the police were not wearing any masks and told them to walk two kilometres to reach the main stage of the SKM. Shareef said: "We were happy to reach finally but we saw how the police had made it difficult for people to reach the area. The farmers were not obstructing traffic; the police were."

At the Shahjahanpur border, support has poured in from farmers from Gujarat, Kerala, Andhra Pradesh, Karnataka and Maharashtra. Women tribal farmers from Maharashtra travelled over a 1,000 kilometres to join the protest at Shahjahanpur on the Haryana-Rajasthan border. One of them, a popular leader, succumbed to the bitter winter.

Cases continue to be filed against farmers. Close to 100 farmers are still in jail for their alleged involvement in the January 26 events. In Meham district, Haryana, when farmers protested against the entry of a BJP Rajya Sabha member who had come to inaugurate a school, a case was filed against the sarpanch of Farmana village and 200 others.

The last meeting the farmers had with the government, on January 22, ended in an impasse. Even though the Prime Minister stated that he was a phone call away and ready for talks, the Agriculture Minister Narendra Tomar has made it clear that talks would be held only if farmers agreed to the government's proposal of suspending the farm laws for 18 months. If, however, "tiring out" the farmers is the strategy of this government, it does not seem to be working. □

‘Negative support’ to farmers: myth or reality?

The argument that the Indian farmer is overburdened by “negative support” has become contentious in the context of the recent farm laws. In reality, this does not hold up to scrutiny.

BY **SACHIN KUMAR SHARMA, PAAVNI MATHUR** AND **RAIHAN AKHTER**

SAM PANTHAKY / AFP

A WHEAT FIELD at Vahelal village in Gujarat. The OECD estimates that support to Indian farmers was negative to the tune of -Rs.1.62 lakh crore or -5.47 per cent of India’s total value of agricultural production in 2019.

IN THE HEAT OF THE ONGOING PROTESTS against the new farm laws, some views have emerged that the state has saddled the Indian farmer with excessive taxes. In support of this contention, methodology and data from the Organisation for Economic Cooperation and Development (OECD) have been used to claim that Indian farmers have enjoyed "negative support".

Indeed, some have gone as far as to suggest that crores of rupees have been "plundered" from Indian farmers owing to agricultural policies pursued in India. Is this really so? What are the reasons for this so-called negative support? If support has indeed been negative, are the Agriculture Produce Market Committee (APMC) Act and the Essential Commodities Act (ECA) to be blamed? What are the implications of negative support for the minimum support price (MSP) and procurement regime in India? These issues need a close examination so that informed decisions are made by all stakeholders.

NOTION OF NEGATIVE SUPPORT

The OECD provides information on the level of support provided to farmers through different programmes using an indicator called the Producer Support Estimate (PSE), consisting mainly of two elements—budgetary payments and market price support. The OECD estimates that support to Indian farmers was negative to the tune of -Rs.1.62 lakh crore or -5.47 per cent of India's total value of agricultural production in 2019. Based on these estimates, some have argued that Indian farmers are net taxed. Simply stated, this means that, in net terms, Indian farmers' payout is greater than the "support" they receive from the government.

According to the OECD, support to Indian farmers declined from Rs.9,921 crore in 2000 to -Rs.1.62 lakh crore in 2019. The negative support was the highest in 2013, amounting to -Rs.6.06 lakh crore or -27.8 per cent of the total value of agricultural production. The negative support has declined in recent years. However, there are wide variations in the support level during 2000-2019 (Figure 1). During this period, the total support to Indian farmers is estimated to have been -Rs.38 lakh crore.

LEVEL OF BUDGETARY SUPPORT

However, it is a well-known fact that the Central and State governments implement various schemes and programmes to support agriculture and farmers. These include the MSP and procurement regimes and the PM-KISAN (Pradhan Mantri Kisan Samman Nidhi) scheme; moreover, the Centre and State governments provide input subsidies for fertilizer, irrigation and electricity, support through crop insurance, and invest in infrastructure facilities, apart from undertaking several other measures. All these have a bearing on the extent of agricultural production, productivity and, therefore, incomes. The OECD estimated the Central and State budgetary support for various programmes, excluding the budgetary outgo on the operation of the MSP scheme, to be almost Rs.3 lakh crore or 10.5 per cent of the total value of agricultural production in 2019 (Table 1).

> The role of price support based on a functioning public distribution system cannot be underestimated.

LEVEL OF MARKET PRICE SUPPORT

Despite the expenditure of about Rs.3 lakh crore by the Central and State governments, support to Indian farmers turns out to be -Rs.1.62 lakh crore owing to a huge negative market price support of Rs.4.62 lakh crore in 2019. During 2000-2019, the total market price support is estimated to have been -Rs.63 lakh crore, compared with the budgetary support of Rs.25 lakh crore, resulting in a negative PSE of Rs.38 lakh crore. Additionally, governments incurred Rs.12 lakh crore on general services and infrastructure during 2000-2019, which is not in-

K MURALI KUMAR

AT A MILK producers' cooperative society at Bannikuppe village in Karnataka. The overall negative support of Rs.1.62 lakh crore calculated by the OECD for 2019 was mainly on account of the negative market price support of Rs.2.18 lakh crore attributed to milk.

cluded in the PSE. In simple terms, the market price support in any given year is calculated by multiplying the difference between domestic price and reference price of a specific agricultural commodity with its total production in the relevant year. The reference price is mainly the international price of that particular commodity, adjusted for transport, charges at ports and for various other factors in order to calculate the market price support at the farm gate.

In case the domestic price is less than the adjusted international price, the market price support for that commodity would be negative and vice versa. The sum of the market price support over all agricultural commodities provides the total market price support for a country. Thus, the market price differential or the gap between the domestic and adjusted international price determines whether a commodity has positive or negative market price support.

For India, the OECD estimates the market price support for approximately 20 agricultural products. The market price support was positive for products such as sugar, poultry, pulses, cotton and wheat as the domestic prices of these were higher than the reference prices. On the other hand, for products such as bovine meat, rice and milk, the market price support was negative because domestic prices were lower than the international prices for the respective agricultural product. Figure 2 shows that the market price support in India was massively negative at -Rs.2.18 lakh crore for milk, accounting for 47 per cent of the overall negative market price support.

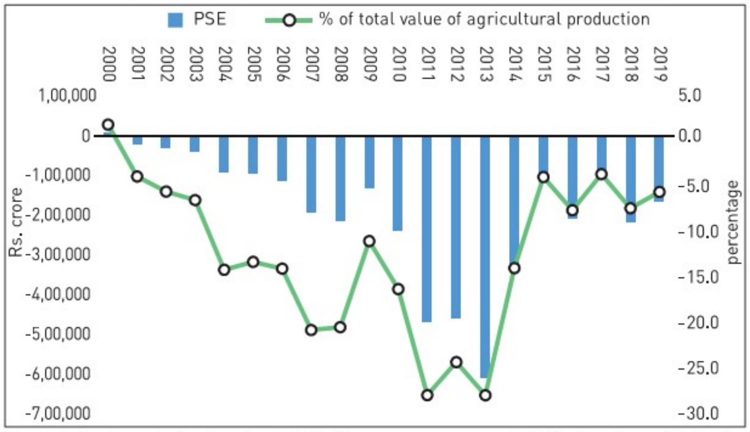
VARIATIONS IN MARKET PRICE SUPPORT

In general, the market price support of a product mainly depends on three variables, i.e. the domestic price, the adjusted international price, and the total output of the agricultural commodity. The domestic price fluctuates on account of many factors, including domestic demand and supply, the minimum support price level, and trade measures such as tariffs. Similarly, international prices can fluctuate because of various factors such as supply, demand and the extent of subsidies in the international market, particularly in the main producing countries. Further, total production may vary due to changes in the cultivated area or in productivity. Since all three variables cannot remain constant, the market price support fluctuates from year to year because of variations in the inherent data.

Let us take the case of wheat and milk, as shown in table 2. In 2015, the domestic price of wheat was lower than the reference price by Rs.607 per tonne. This resulted in a negative market price support of -Rs.5,601 crore for this commodity. However, within four years, the market price support changed direction as the domestic price in 2019 exceeded the international price by Rs.401 per tonne. As a result, the support became positive, to Rs.4,034 crore. On the other hand, the market price support for milk became negative after 2015 because the domestic price was lower than the reference price. The negative support for milk was estimated to be -Rs.2.18 lakh crore in 2019.

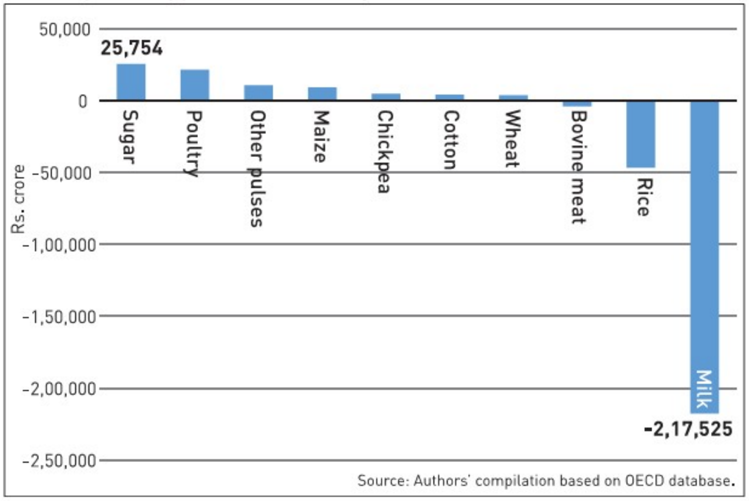
Significantly, the overall negative support of Rs.1.62 lakh crore calculated by the OECD for 2019 was mainly on account of the massive negative market price support of Rs.2.18 lakh crore attributed to milk. This skewed the overall support to agriculture in a negative direction. If the domestic price of milk exceeds the international reference price in the next few years, then OECD calculations could show a positive level of overall support to Indian farmers. Further, even without an increase in budgetary expenditure, the PSE computed by the OECD can show a substantial increase. This may happen if the international reference price of a commodity falls, while its domestic price shows an upward trend. This highlights the obvious fact that the extent of market price support in a particular year is extremely sensitive to the relative movement of domestic and international reference prices. This volatility highlights the need to exercise extreme caution in using producer price support meas-

Trend in PSE to Indian agriculture during 2000-2019 FIGURE 1



Source: Authors' compilation based on OECD database. PSE: Producer Support Estimate.

Market price support for selected products in 2019 FIGURE 2



Source: Authors' compilation based on OECD database.

ures as a reliable estimate in evaluating or determining agricultural policies in the medium or long term. Indeed, some would argue that they are highly unreliable for such purposes.

REASONS FOR NEGATIVE MARKET PRICE SUPPORT

The OECD suggests the following reasons for the negative support: the Essential Commodities Act (ECA), the State-level APMC Acts, and on and off export restrictions. According to the OECD, these restrictive policies influence pricing, procuring, stocking, moving and trading, which results in negative price support.

However, attributing negative support to specific measures or government interventions is extremely difficult as it fails to explain the reasons behind positive support to some products and negative to others, despite these measures being in place for a long time. The support to pulses, sugar and poultry, among others, was positive for several years, whereas support to most products such as rice, wheat, maize and cotton has shown significant swings from positive to negative and vice versa over the years. For instance, the support to cotton was Rs.380 crore in 2017, which became negative to the extent of -Rs.5,102 crore in 2018 and again became positive to the extent of Rs.4,414 crore in 2019.

Whether or not the recent farm laws will lead to positive market support will depend on the relative price movements on the internal and external fronts. If the recent farm Acts result in domestic prices exceeding the relevant international prices, then the OECD methodology will result in positive market price support. If, however, domestic prices continue to remain below the international prices, then negative price support will persist. The wide variations in domestic and international prices, arising from an array of factors, can cause market price support to swing between positive and negative in the future as well.

Therefore, the usage of the OECD's methodology is inadequate to conclude that government interventions such as the APMC or the ECA have led to negative support. Strikingly, irrespective of whether the AMPC or the ECA are in force or not, the calculation may continue to indicate negative support. Support to farmers can increase or decrease irrespective of domestic changes because of imperfect market conditions on the external and internal front.

NEGATIVE SUPPORT AND THE MSP

One way to offset negative support is to increase the MSP and enhance procurement operations. However, the OECD and some others have recommended exactly the opposite; they call for the scaling down of support prices and procurement operations while curtailing the role of the public distribution system by limiting the coverage of the National Food Security Act, 2013 (NFSA). Moreover, they have called for the reduction of tariffs on agricultural commodities, implying a more direct exposure to international commodity markets. The main premise of these arguments is that the "efficiency" gains accruing from the unhindered play of market forces would offset the negative support and improve farmers' remuneration.

However, it would be naive to expect that the OECD recommendations would necessarily lead to positive support for Indian farmers. This is because domestic and international prices are influenced by multiple factors.

Components of India's Producer Support Estimate in 2019

TABLE 1

S.N.	Description	Rs. crore	% of the total value of agricultural production
1 = (2+3)	Producer Support Estimate (PSE)	-1,62,740	-5.47
2	Total Market Price Support (MPS)	-4,61,804	-15.52
3 = (3.1 to 3.4)	***Support other than the MPS or budgetary support**	**2,99,064**	**10.05**
3.1	Based on output for sugar	2,063	0.07
3.2	Payments based on input use including input subsidies	2,39,850	8.06
3.3	PM-KISAN and PM Kisan Maandhan Yojana	54,570	1.83
3.4	Miscellaneous payments	2,581	0.09

*Expenditure on the minimum support price operation is not included

Source: Authors' compilation based on OECD database

Variations in market price support for wheat and milk due to inherent data

TABLE 2

Year	Domestic Price	Reference or international Price	Market Price Differential	Production	Market price support (MPS)
	Rs./tonne	Rs./tonne	Rs./tonne	Thousand tonnes	Rs. crore
1	2	3	4 = (2-3)	5	6 = (4*5/10,000)
			Wheat		
2015	14,506	15,113	-607	92,288	-5,601
2016	15,333	15,266	67	98,510	662
2019	18,273	17,872	401	1,00,500	4,034
			Milk		
2015	25,946	24,905	1,041	1,55,491	16,190*
2016	26,702	30,161	-3,460	1,65,404	-57,223*
2019	28,988	39,884	-10,895	1,99,927	-2,17,829*

*MPS for milk is calculated without considering the excess feed cost. Otherwise, MPS in 2019 was Rs.-2,17,525 crore.

Source: Authors' calculation based on OECD database.

The extent of trade liberalisation, subsidy levels prevailing in other producer countries, import surges, changes in demand-supply conditions, and unpredictable weather conditions may lead to considerable fluctuations in agricultural prices and farm incomes. The adverse impact may be further compounded by the extent of dependence on rain-fed agriculture, the dominance of small and fragmented landholdings, the subsistence nature of farming, and the threat of frequent market failures.

In short, the role of price support based on a functioning public distribution system cannot be underestimated, as has been emphatically demonstrated in the wake of the COVID-19 pandemic. In fact, without these measures in place it would have been impossible to implement the Pradhan Mantri Garib Kalyan Anna Yojana or the NFSA. The latter reached subsidised food to more than 80 crore people; this would not have been possible without the MSP and procurement operations.

Leaving farmers at the mercy of market forces and free trade without adequate safety nets would adversely affect farm incomes. It is to be emphasised that even rich countries provide their farmers substantial support in the form of price support, deficiency payments and other forms of budgetary support to mitigate the adverse effects of market forces. It is heartening to note that the government has reiterated its commitment to the MSP scheme, which has been one of the effective safety nets for Indian farmers.

CONCLUSION

It is a travesty to claim that the Centre and the State governments have "plundered" lakhs of crores of rupees from Indian farmers. The governments are implementing numerous programmes for farmers' welfare. However, owing to negative market price support for some products, the overall support level turns out to be negative. The huge negative market price support may become positive in the future owing to a fall in the international prices of a few significant commodities. It is obvious that government price support policies for agriculture, which have a bearing on the livelihoods of millions of people, cannot be summarily abandoned merely on the basis of the OECD methodology.

In fact, it may well be possible for the support level in India to become one of the highest in the world in the near future, even without any additional government assistance, if international prices were to fall below domestic prices. In such a situation, India's agricultural support policies such as the MSP could be criticised by other countries and possibly used as a leverage to gain access to the Indian market for their agricultural products.

There is no doubt that Indian agriculture requires reform. However, some of the OECD's main recommendations are unlikely to reverse the negative support to Indian farmers calculated by it. Given the wide fluctuations in market price support, PSE should be used cautiously in determining the effectiveness of agricultural support policies and other measures. It is imperative that the OECD methodology is dissected properly in order to appreciate its fallibilities and intricacies. That has to be a prerequisite for an informed debate on agricultural policies, which is a life and death issue for millions of Indians. □

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A shot in the arm

Following Covaxin's promising interim Phase 3 results and the WHO's recommendation on the use of Covishield for the elderly, the pace of vaccinations in India is likely to improve. So far, the total number of people who have been vaccinated is far fewer than half the number of doses the government has procured. BY **R. RAMACHANDRAN**

THE BIG STORY ON THE COVID-19 VACCINE front in the country is the release on March 3 of the interim Phase 3 trial results of Bharat Biotech's Covaxin (also called BBV152). The vaccine is based on an inactivated whole SARS-CoV-2 virus platform and was developed in collaboration with the National Institute of Virology (NIV), Pune, of the Indian Council of Medical Research (ICMR). According to these results, following the second dose, the vaccine has about 81 per cent efficacy in preventing COVID-19 in those without any prior infection. The trials are based on a two-dose regimen given 28 days apart. This is a good figure for efficacy, significantly higher than the threshold figure of 50 per cent that the Drugs Controller General of India (DCGI) requires for Restricted Emergency Use (REU) approval. But the DCGI gave Covaxin a conditional REU approval on January 3 when the vaccine did not have any efficacy data to show from its ongoing Phase 3 trials. The approval was strangely described by a new and unexplained phrase: "in the clinical trial mode". This naturally triggered a lot of criticism from medical researchers and public health specialists.

'CLINICAL TRIAL MODE'

In "clinical trial mode", as one has come to understand it, means that those who get the vaccine have to sign an informed consent form as in a regular clinical trial. But it is not a clinical trial because there is neither randomisation of the participants nor is there a group that is administered a placebo, which serves as the control arm. However, in this mode, the vaccinees are tracked and monitored after vaccination, and in case of serious adverse events, the vaccine manufacturer is liable to pay compensation if the event is proven to be causally related to the vaccine. Also, in case of any adverse event, the company provides the standard care in designated health centres, as in the case of regular clinical trials.

As the ongoing vaccination drive has picked up pace and coverage, this could in significant part have played a role in creating apprehensions in the minds of the general public about accepting Covaxin. This may well be the reason for the vaccine hesitancy observed even among health care workers, the first priority cohort that was vaccinated when the vaccination drive began on January 16. Health care workers and front-line workers were not given a choice between the two vaccines approved for REU—Covishield of the Serum Institute of India and Covaxin—and were faced with a "take it or leave it" situation.

Stated to be the largest clinical trial in India, Bharat Biotech's Phase 3 trials have recruited 25,800 participants 18-98 years of age who were serologically negative (to SAS-CoV-2), including 2,433 over the age of 60 and 4,500 with comorbidities. The trials are being done in association with the ICMR. As per the information on the Clinical Trials Registry-India, the primary end point of the trials was defined by the first occurrence of 130 PCR (polymerase chain reaction)-confirmed cases of symptomatic (mild, moderate or severe) COVID-19, with the onset of the disease occurring at least 14 days after inoculation with the second dose. Bharat Biotech has outsourced the trial to the external agency IQVIA, which specialises in conducting clinical trials globally.

MANVENDER VASHIST/PTI

SANITATION WORKERS receiving the first dose of Covaxin at the Hindu Rao Hospital in New Delhi on February 16. Health care workers and front-line workers, who constituted the first priority group to get vaccines, were not given a choice between Covishield and Covaxin.

According to Bharat Biotech's press release of March 3, the first interim analysis was done on reaching 43 COVID-19 cases. Of the 43 cases, 36 were seen among the placebo group, which yields—on the basis of the number distribution between the vaccinated and the placebo groups—a point efficacy estimate of 80.6 per cent. The second interim analysis will be conducted on reaching 87 cases, and a final analysis will be done on reaching 130 cases. "The interim analysis," the release stated, "included a preliminary review of the safety database, which showed that severe, serious, and medically attended adverse events occurred at low levels and were balanced between vaccine and placebo groups."

The Central Drugs Standard Control Organisation (CDSCO) and the DCGI had clearly gambled in giving Covaxin an REU approval solely on the basis of Phase 1 (safety) and Phase 2 (immunogenicity, or the ability to elicit an immune response) data and had to trot out a convoluted rationale to defend their controversial decision. Even though the approval violated their own guidelines on minimum vaccine efficacy of 50 per cent, their statement said that Covaxin was being approved "for restricted use in emergency situation in the public interest as an abundant precaution, in clinical trial mode, to have more options for vaccinations, especially in case of infection by mutant strains".

POLITICAL GAMBLE

The political gamble, which it clearly was, now seems to have paid off. This probably will end the earlier public apprehensions about Covaxin and quell the surrounding controversy. But this should not in any way be taken to mean that the CDSCO and the DCGI should gamble with people's lives in every such emergency pandemic situation. A proper REU approval would have meant only an additional six-week-long wait, which would have been nothing, especially after more than a year of a raging COVID-19 pandemic that has still not fully subsided.

More significantly, research by scientists of the NIV and Bharat Biotech has shown that Covaxin's immunogenicity against the new variant of the virus that originated in the United Kingdom (called VOC/VUI 202012/01, or B.1.1.7), which is more transmissible and more infectious, is on a par with what was seen with the more widely prevalent original virus in its Phase 2 trial. The work, which was hosted on the web preprint server biorXiv on January 26, found that vaccine-induced antibodies could neutralise the U.K. variant and other heterologous strains of the virus (strains that differ from the one on which the vaccine is based).

According to the NIV-BB paper, the U.K. variant has 17 mutations (23, according to some reports), eight of which are in the receptor-binding domain (RBD) of the spike (S) protein on the viral surface, which mediates the binding of the virus to the ACE2 receptor on the human cell surface and enables its entry into human cells. The apprehension that vaccine candidates may not be efficacious against new variants stems from the fact that most recombinant vaccines, including the SII/Oxford-AstraZeneca's Covishield/AZD1222, are designed to specifically target the S-protein.

Given that some of the new variants have been found to be more infectious and perhaps more virulent, it is suspected that some of these new mutations could escape the virus-neutralising ability of the antibodies generated by vaccines that target only the S-protein's RBD. The hypothetical argument being made in favour of Covaxin's efficacy against the new variants was that since it is a killed whole virus vaccine, it presents all the epitopes (antigenic sites on the pathogen that antibodies recognise) on the virus surface, not just the single epitope on the S-protein, for the immune system to mount a response. But this had to be demonstrated in some variants at least.

The NIV-BB team performed what is called a plaque reduction neutralisation test (PRNT) to measure the amount of (virus) neutralising antibodies (nAbs) the immune system produced in response to the virus. Unlike nAbs, not all antibodies can neutralise the virus; many just bind to it without actually being able to destroy it. Sera were collected from 26 recipients of Covaxin/BBV152 (made from the original homologous strain designated hCoV-19/India/2020770), which had been earlier found to have 99.6 per cent seroconversion rate with nAbs in the Phase 2 trials. The study performed a PRNT and measured the nAb titres against the U.K. variant isolated from infected Indians returning from the U.K. (strain designated hCoV-19/India/20203522) and a domestic variant strain (designated hCoV27-19/India/2020Q111). The sera of the 26 vaccinated individuals showed comparable neutralisation activity against the U.K. variant as well as the heterologous domestic strain, thus "dispelling the uncertainty of possible neutralisation escape" by the mutations, the paper said.

Until this demonstration, it was only a theoretical argument. This will certainly strengthen Covaxin's place in the ongoing vaccination campaign because Covishield, or even the original Oxford-AstraZeneca's (chimpanzee adenovirus) vectored vaccine (called ChAdOx1-nCOV, or AZD1222) on which it is based, is yet to demonstrate its efficacy against any of the newly emergent variants. Oxford-AstraZeneca's trials in Brazil and South Africa seem to suggest that its vaccine is less efficacious against the new variants found in South Africa (called B.1.351) and Brazil (called P.1), all of which have a defining mutation called N501Y. The South African and the Brazilian variants have in addition another defining mutation called E484K. While on the basis of the above work, the NIV-BB paper stated that it was unlikely that the N501Y mutation would be able to dampen the potential benefits of its vaccine BBV152, a similar comparative analysis of nAb titres has not yet been done with variants having the E484K mutation, which has been reported to be a neutralisation escape mutation and would be of equal concern. However, given that Covaxin has been found to have comparable neutralising activity against the U.K. variant and two indigenous variants, it may well be equally efficacious against E484K and other potential escape mutations.

COVISHIELD TRIALS

The SII is yet to make public any data from its bridging Phase 2/3 clinical trials in India on 1,600 subjects that were aimed at studying only safety and immunogenicity—safety in 1,200 of them and safety and immunogenicity in the remaining 400—and not efficacy. The SII obtained its REU approval on the basis of data Oxford-AstraZeneca generated in its Phase 3 trials in the U.K., Brazil and South Africa and partial bridging (safety/immunogenicity) study data in India, which it submitted to the CDSCO. One of the limitations of the earlier Phase 3 trials of Oxford-AstraZeneca in the U.K., South Africa and Brazil was that the participants did not include those above the age of 55, and so its efficacy in older adults is yet to be demonstrated. However, a later blinded randomised and controlled Phase 2/3 (safety and immunogenicity) trial focussed precisely on this issue, and this study was published in *The Lancet* on December 19, 2020. The trials included 560 participants divided into three escalating age groups: 18-55 years (100+60); 56-69 years (120+40) and greater than/equal to 70 years (200+40), the two numbers in each age tier referring to the vaccinated and the placebo groups.

The Oxford-AstraZeneca research team found that while after the prime (first) dose vaccination the antibody responses measured on day 28 decreased with age, following the booster second dose on day 28, the antibody titres and T-cell responses were comparable between all the three age groups. Interestingly, the study found that those of age 56 and above were less reactogenic to the Oxford-AstraZeneca vaccine. The adverse reactions included local (injection-site) effects and mild systemic effects such as fatigue, headache and fever. No serious adverse event was seen among the elderly.

While the safety and immunogenicity profiles of the vaccine in the elderly are encouraging and indicative of possible good protective efficacy, this is yet to be measured in a Phase 3 trial. Also, the sample size in the Phase 2/3 trials targeting the elderly was small; the number vaccinated in the above 60 age group must have been only around 250.

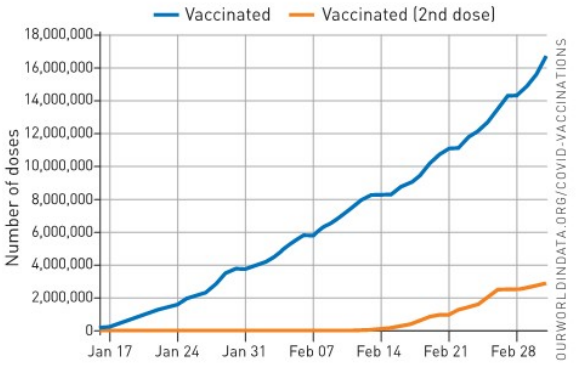
Even in the ongoing Phase 3 trials, recruitment data show that only 1 in 10 were 65 years old or older, and interim efficacy data (up to December 7) show an efficacy of only 52 per cent. For this reason, many European countries decided not to use the AZD1222 vaccine for older adults. Germany, in fact, is reportedly yet to pick up the entire quantity of the vaccine committed to it under a bilateral agreement. But these countries, where the demography is skewed towards the elderly, have chosen to use the Pfizer/BioNTech or Moderna mRNA vaccines, despite the logistical problems of storing and transporting at sub-zero temperatures, because these vaccines have demonstrated efficacy in people over the age of 65.

Notwithstanding the above, the World Health Organisation (WHO) recently recommended the use of AZD1222 even for those aged 65 and above. In its interim recommendations on the use of AZD1222, the WHO stated: "Because a relatively small number of participants aged 65 years or over were recruited into the clinical trials, there were few cases of COVID-19 in either the vaccine or the control group in this age category, and thus the confidence interval on the efficacy estimate is very wide. More precise efficacy estimates for this age group are expected soon.... Immune responses induced by the vaccine in older persons are well documented and similar to those in other age groups. This suggests it is likely that the vaccine will be found to be efficacious in older persons. The trial data indicate that the vaccine is safe for this age group. The risk of severe disease and death due to COVID-19 increases steeply with age.... Taking the totality of available evidence into account, WHO recommends the vaccine for use in persons aged 65 years and older."

The Phase 3 trials of Covaxin, on the other hand, have included a significant number (2,433) of people over the age of 60, though the interim efficacy data has not been presented in age-stratified form yet. According to reports, Bharat Biotech now plans to submit this interim Phase 3 data to the CDSCO to get regular unconditional REU approval, which presumably will include such stratified efficacy data. On the basis of the WHO's recommendation on Covishield/AZD1222 and the interim efficacy data of Covaxin/BBV152, the elderly of the country can get a shot of either vaccine without much apprehension.

INTER-DOSE GAP CONTROVERSY

It would be recalled that while approving the Oxford-AstraZeneca vaccine for emergency use in the U.K. in January, the U.K.'s Medicines and Healthcare Products Regulatory Agency (MHRA) permitted a wide window of four to twelve weeks as the interval between the two vaccine doses, though the Phase 3 clinical trials in the U.K. and elsewhere were based on a fixed four-week gap. This was primarily to ease vaccine supply bottlenecks and get the available doses to as many of the vulnerable population as possible. The scientific basis for this decision, not a very strong one though, was the observation (although not in a large sample) that the first dose itself generated a significant immune response, and the assumption was that this response would take longer than four weeks to decline to low efficacy levels. But the move generated



OURWORLDINDATA.ORG/COVID-VACCINATIONS

CUMULATIVE DOSES administered across the country.

considerable controversy within the scientific community.

However, more recently, this scientific basis has been placed on a firmer footing with a recent "exploratory" analysis of Phase 3 trial data of 17,178 participants, which found that the overall efficacy actually increases with increasing the inter-dose gap up to 12 weeks. The paper's non-peer reviewed preprint version was posted on the web on February 1. It has now been peer reviewed and was published in *The Lancet* on February 19. The work found that while the efficacy was only 55 per cent for a gap of up to six weeks, it was 81 per cent for a three-month interval. The overall pooled efficacy against symptomatic COVID-19 irrespective of the inter-dose gap is about 63 per cent.

Also, a single dose of the vaccine was highly efficacious (76 per cent efficacy) in the first three months 22 days after the first dose. The authors also note that it is not clear whether the protection with only a single dose will last longer than three months as the trial protocol limited the data-gathering period to three months maximum. And so, a second dose of the vaccine is still recommended. Efficacy results were also backed by binding antibody titres in the 18-55 age group, which were more than twofold higher in the group with a longer delay before the second dose.

On the basis of the above data, in its February 10 document on interim recommendations on the Oxford-AstraZeneca/AZD1222 vaccine, the WHO has recommended an interval of eight to twelve weeks between the doses even though the manufacturer AstraZeneca's product label says that the vaccine can be administered with an interval of four to twelve weeks. But the WHO document has further stated that if the second dose is inadvertently administered earlier than four weeks after the first, the dose does not need to be repeated. And, if administration of the second dose is inadvertently delayed beyond 12 weeks, it should be given at the earliest possible opportunity. It is recommended that all vaccinated individuals receive two doses.

However, the Ministry of Health and Family Welfare has not changed the dosage schedule that it had recommended earlier, which is 28 days. It is on the basis of the Phase 3 trial data (from the U.K., South Africa and Brazil) with a four-week inter-dose gap that the DCGI had granted REU approval for Covishield. Commenting on these recent developments in *The Hindu*, the eminent virologists Jacob John and Gagandeep Kang independently suggested that the government should revisit the dosage schedule. Unwittingly, these new results would perhaps be comforting to those who may have missed the second dose after the gap of 28 days.

As on March 4, about 1.7 crore people have been administered the vaccine in the ongoing phase of the campaign that began on January 16. Although the initial progress was tardy, it picked up pace in February, and at present about 10 lakh doses are being administered every day. Administration of the second dose for those who got the first dose on January 16 began on February 13, as per the dosage schedule. However, the cumulative number of doses being administered (see graph), as on date, is fewer than half of the total number of doses that the government has procured. On February 12, the Health Ministry stated in its answer to a question in Parliament that a total of 410 lakh doses of the two vaccines had been procured. Of this, 100 lakh doses were through GAVI, the global vaccine alliance set up to ensure equitable access to vaccines across countries, with support from COVAX, the WHO initiative for COVID-19 vaccine access to poor countries.

Clearly, between February 12 and to date, the figure of 410 lakh must have gone up to say 500 lakh, but the consumption has been only about a little over one third. According to the U.K.'s MHRA, Covishield has a shelf life of about six months if stored at 2-8 °Celsius. The same would perhaps hold good for Covaxin as well. With the footfall of people at the vaccination sites not being commensurate with the accumulated vaccine stock, the government has now allowed vaccination to be carried out round the clock at all the vaccination centres perhaps apprehensive of loss of efficacy of the vaccines if stored for longer periods.

SKEWED DISTRIBUTION

Soon after the launch of the vaccination programme, the Ministry stated that only 12 States would receive Covaxin in addition to Covishield. An earlier article ("A total mess", *Frontline*, February 12), pointed out the Centre's skewed distribution of vaccine doses of Covishield to States. Whether this was done because of hesitancy on the part of the government as Covaxin's Phase 3 trial data were not in yet or because vaccine production was not geared to meet the demand was not clear. While the number of States receiving Covaxin has now increased from the original 12 to 19, it is still just half of the total number of States/Union Territories. Why this is so is still not clear. In a recent statement to the media, Bharat Biotech CEO Krishna Ella stated that of the total of about one crore doses administered, only 11 per cent were of Covaxin.

Perhaps following its promising interim Phase 3 results and the DCGI's consequent unconditional REU approval, Covaxin's distribution to, and its offtake by, States will increase and the distribution of the two vaccines across the country will become more even. ☐

Second wave ahead?

The steady nationwide surge in cases, even as the vaccination drive is under way, has raised legitimate concerns that India may be on the verge of a second wave. BY **T.K. RAJALAKSHMI**

AMID THE ONGOING VACCINATION DRIVE and euphoria over the efficacy of the Phase 3 trials of the indigenously manufactured Covaxin, the fresh outbreak of COVID-19 infections in the country leaves little room for optimism. Despite assurances from various experts that India will not experience a second wave, the rise in the rate of infections in February after several months of a declining trend appears to indicate otherwise.

The third national sero-survey, conducted by the Indian Council of Medical Research (ICMR) between December 17, 2020, and January 8, 2021, revealed that 21.4 per cent of the population had developed antibodies to COVID-19, indicating that a large section was still vulnerable to the virus. This, in itself, is a significant jump from the results of the second sero-survey (conducted between August 17 and September 22) that showed that 7.1 per cent of the population had been exposed to the virus. In sheer numbers, this meant that the number of Indians who were infected had risen from 74.3 million to 225 million or 22.5 crore. As *Frontline* had pointed out earlier, this happened at a time when the daily cases had crossed their peak and were on a decline.

On January 8, the last day of the third national sero-survey, India reported 10.4 million cases confirmed by tests. The third survey clearly showed that at least twice the number of people had been infected. Globally, India had the second largest number of cases after the United States. In terms of mortality, India had the fourth highest number of cases after the U.S., Mexico and Brazil.

The trend of a rise in infections, which had been observed as early as October in at least five States—Kerala, Karnataka, Maharashtra, Chhattisgarh and West Bengal—and four Union Territories, continues. At present, as many as eight States—Maharashtra, Kerala, Tamil Nadu, Karnataka, Punjab, Haryana, Gujarat and Madhya Pradesh—show an upward trajectory in the number of daily new cases. On March 2, the Ministry of Health and Family Welfare (MoHFW) announced that 80 per cent of the new cases had been reported from the five States of Maharashtra, Kerala, Punjab, Tamil Nadu and Gujarat. There were six States and Union Territories where the weekly positivity rate was higher than the national average of 2 per cent.

AFP

A SENIOR CITIZEN being administered the COVID-19 vaccine at a hospital in Mumbai on March 4.

In the week ending February 28, India reported 1,06,591 new confirmed cases of COVID-19, a jump from the 89,261 cases reported in the previous week. It was the highest weekly total since the week ending January 11, and pointed to a reversal of the downward trend in cases since mid September 2020.. The last week of February was the third successive week that showed an increase in numbers over the previous week. This steady increase in the nationwide numbers of confirmed cases has raised legitimate alarms that India may be on the verge of experiencing a second wave.

The COVID-19 numbers in India are still relatively low in most parts of the country and the rise is still very slow. Maharashtra accounts for a large share of the recent increase in numbers. In February, from less than 18,000 in the first week, the number of cases reported in the State shot up to over 54,000 in the last week. Gujarat, Punjab, Chandigarh, Madhya Pradesh, Delhi, Haryana, Karnataka and Telangana have also seen a rise in weekly confirmed cases in the last two weeks.

The numbers in Kerala continue to be high although they are not rising. In many other States, the declining trend, too, seems to have stalled.

In other words, the base of the rising numbers is by no means geographically concentrated and cannot be therefore explained by purely State-level or local factors. The fact that Maharashtra, and particularly Mumbai, are reporting larger numbers indicates that any notion that India's population has achieved herd immunity because of widespread exposure to infection may be misplaced. The first signs of the subsequent all-India surge that became India's first wave had come from Maharashtra.

INDIA AND THE WORLD

India's first COVID-19 surge started later than it did in Europe and the U.S. Though the rise in numbers was less steep in India, its rising trend lasted much longer, and the peak was reached only in mid September 2020. The longer surge eventually neutralised the effects of a slower and more delayed rise in confirmed cases and deaths, with the result that the number of cases and deaths per million population in India became very high.

At the aggregate level, India's per capita numbers remained much lower than in Europe but exceeded the levels seen in most of Asia (particularly among the countries of South, South-East and East Asia) and the average for the entire African continent. Further, the number of cases and deaths in several individual States in India—including Maharashtra, Delhi, Karnataka and Tamil Nadu— crossed those in European countries of comparable population sizes.

There was a surge in numbers in Europe with the onset of the second wave in the second half of 2020, approximately four months after the first peak had been reached. India reached its first peak on September 16, 2020; some States peaked a little later, in October 2020. If India, therefore, is seeing a trend of declining cases in February, it would not be inconsistent with the general pattern shown by the COVID-19 pandemic. In fact, David Nabarro, the World Health Organisation's Special Envoy on COVID-19, had cautioned in December 2020 that India would see another resurgence of the virus in 2021.

INTERPRETING THE CURVE

Since India's COVID-19 numbers maintained an almost steady decline after crossing the peak, the widespread notion was that the worst was over. There are experts who still believe that a second wave is unlikely in India or will be milder. While some scientific reasoning or predictions from modelling based on existing data are offered in support of this claim, these remain speculative and cannot be confirmed on the basis of existing evidence.

India's total number of cases topped 5 million just the day before its highest daily total of 97,894 cases was recorded, on September 16. On February 21, 2021, this tally crossed the 11-million mark. That is, even as the daily numbers were declining, they were not coming down as quickly as they had increased. Thus, it took fewer number of days to reach the six million plus cases after September 16 than it took to reach the first five million cases.

In other words, the downward part of the curve of daily cases has not been the mirror image of the rising part. Further, this divergence of the actual trend from the mirror image of the rising trend had been steadily increasing over the last three months. That the virus was still rampant in India in the last quarter of 2020 was also indicated by the threefold rise in the estimated proportion of the adult population exposed to it that emerged between the second and third nationwide sero-surveys. However, as mentioned earlier, the most recent sero-survey showed that 21.5 per cent of the adult population may have been exposed—an exceptionally large number and yet a long way short of what would be needed to achieve "herd immunity" and prevent a second wave.

SLOW VACCINATION PACE

Many experts therefore continue to maintain that vaccination is the only viable way of achieving "herd immunity". India's vaccination programme was launched amid some controversy in January 2021. On March 1, 2021, a new phase was launched targeting those above the age of 60 and those above 45 and having comorbidities. The next phase is to cover those above 50—by the completion of which a population of about 30 crore (300 million) would have been covered by vaccination, still below a quarter of the total Indian population. Even this limited target may, however, take a fair amount of time. By March 1, 2021, a month and a half after the start of the vaccination programme, 1,22,56,337 people had been administered one dose of the vaccine and another 25,97,799 had received both doses. In other words, a total of 1,43,01,226 doses had been administered. At this speed, administering 2 doses each to 30 crore people would take several years.

Till date, the maximum number of doses administered on any one day has been a little over 8 lakh. Even if this was increased two and a half times to 20 lakhs (2 million) and that became the daily average, covering the 30 crore would take all of 2021.

Meanwhile, if active cases keep going up as they now are, the country's health care system may be stretched by the double burden of managing the sick and vaccinating the healthy.

The current situation in India raises the question—did India's COVID-19 control strategy fail not once but twice in not pursuing a more aggressive strategy of testing to halt the virus in its tracks? The growth of testing had been very slow in the initial days of the epidemic and expansion of capacity eventually ended up only chasing the rising numbers of infections rather than helping control them. Let alone any further expansion, the capacity created until then was also not utilised fully after the numbers started falling. Testing numbers also declined, from about 8 million weekly reached in September 2020 to less than 5 million by February 2021. The potential to use testing and contact tracing to slow down, and eventually contain, the spread of the virus remained incompletely utilised. The virus thus continued to spread and expand the base on which a second wave could yet hit the country. □

Continuing the battle

The spurt in positive cases in Kerala draws criticism but the Left Front government says the trajectory of the pandemic is not surprising and that delaying the peak and the slow but prolonged disease transmission have helped keep COVID-related deaths low. BY **R. KRISHNAKUMAR**

WITH KERALA REPORTING THE SECOND highest number of COVID-19 cases in India since January 2021, the Left Democratic Front (LDF) government, which had until recently won praise for delaying a peak in the number of cases through its meticulous management of the pandemic, is now being criticised by many, especially opposition parties, for going easy on the control measures it had put it place.

During his visit to Kerala on February 21, Uttar Pradesh Chief Minister Yogi Adityanath taunted the Left government "for its failure to control COVID-19". Inaugurating the Bharatiya Janata Party's (BJP) campaign for the upcoming Assembly election, he said: "Not long ago, the Kerala Chief Minister made fun of the health sector in Uttar Pradesh. Uttar Pradesh has a population of 24 crore but it has just around 2,000 COVID cases. We have received appreciation from the World Health Organisation [WHO]. Look at Kerala, the whole world is laughing at the State as it has not been able to contain the spread of coronavirus infection."

Union Minister V. Muraleedharan and opposition leader Ramesh Chennithala, among others, have similarly attacked the government for creating a situation whereby the State has "one of the highest number of active COVID-19 cases in India when, in most other States, the graph is steadily going down." .

For several months since the first case of SARS-CoV2 was detected in the State in January 2020, Kerala had utilised its earlier experience with the Nipah virus to prepare its people by creating awareness about the importance of wearing masks and following personal hygiene and physical distancing norms and adopted the containment strategy of isolation, contact tracing, testing, and quarantine of infected persons. The enthusiastic involvement of the public, local bodies and the police, apart from the State's robust public health system, had

THYCAUD
THIRUVANANTHAPURA

CHIEF MINISTER Pinarayi Vijayan receives the first dose of COVID vaccine in Thiruvananthapuram on March 3.

helped keep the number of cases low for several months.

Rajeev Sadanandan, Adviser to the Chief Minister on COVID-19, said: "We had two options. One, let the pandemic roam free, allow a sudden peak in numbers and with herd immunity setting in, wait for the numbers to go down to zero. Or, two, carefully manage the pandemic in such a way that there will only be gradual rise in numbers, which will keep the number of patients below the surge capacity of our hospital systems so that people won't die, and allow a slow peak, which will have a long tail. There is nothing surprising about the trajectory of the pandemic in Kerala. We knew it will be a delayed peak, and that disease transmission would be slow but prolonged, like it is now. We chose the second option, and that is why we were able to limit the number of COVID-related deaths in the State."

Surely, the containment measures seem to have lost their initial rigour as the lockdown has been lifted and people have started taking the pandemic in their stride. But COVID-19 managers maintain that Kerala's handling of the pandemic should not be judged by the number of daily cases alone, and that other factors, such as the number of hospitalisations, deaths, persons under surveillance, testing rates, COVID-19 care facilities, management structures and patient care and response, should also be taken into account.

A rise in the number of cases began to be reported from the third week of September, just after the Onam festival season. The highest number of cases was reported in October. On October 10, Kerala had 11,755 confirmed cases and 95,918 active cases. An increase in the number of cases was noticed after the Christmas-New Year season in January-February, and thereafter, there has been a decline. "Only on one occasion, briefly during these 14 months, did we feel like the pandemic could challenge the State's health system. But we have come past the peak and am not worried about the future, with the kind of positive response to vaccine acceptance that we are seeing in the State," Rajeev Sadanandan said.

The total number of confirmed cases reported in the State until March 1, 2021, when vaccines were being rolled out for the general public, was 10,61,341. Of these, the number of active cases on that day was 47,868 (only 4.51 per cent of the total) with 682 of them treated in intensive care units and 204 put on ventilator support. The remaining 10,08,972 infected persons (95.01 per cent of the total) had recovered. The State reported 4,210 COVID deaths until March 1.

Significantly, the gap between the confirmed and recovered cases has continued to remain constant. The surge in the number of cases was only for short intervals and this did not overwhelm COVID care facilities.

Health Minister K.K. Shaialajah said: "Kerala observed a delayed peak in COVID-19 spread in October 2020, we had the maximum cases in October, some 12,000 people. But later, unlike what was predicted, the number of cases did not increase very much. It went down, reached a plateau. It is a peculiarity of Kerala's experience that we could control the cases from becoming too large," .

She stated that according to a sero-surveillance study by the Indian Council of Medical Research (ICMR), the rate of COVID transmission in Kerala was 11.6 per cent while the national average was 30 per cent. "This is an indication that we could contain the spread effectively. So, over 88 per cent of the people in Kerala have remained un-infected. I must say that this is a very good, relief-giving result. The results are also good on the matter of detection rates," she said.

The ICMR Serological Surveillance Survey was done in Kerala after the peak transmission period in October last year. Among other things, it found that Kerala's sero-prevalence as of December was half that of the national average; the proportion of unidentified cases in Kerala was lower than the national average; that a huge proportion of its citizens were still susceptible to COVID-19, ironically because of the good containment measures adopted by the State; and that Kerala would continue to have new cases unlike other places where a good proportion of people had already been infected.

At a press conference in Thiruvananthapuram on February 25, Chief Minister Pinarayi Vijayan quoted experts as saying that many States were close to the next COVID-19 wave, and that in the previous week there was a 31 per cent increase in the number of patients in India. "The rate of spread has increased in 16 States, of which five have shown an increase of over 10 per cent. In Kerala, however, we are seeing a gradual decrease in the number of COVID-19 patients," he said.

LOWEST COVID MORTALITY RATE

According to the Health Minister, Kerala's gains are best illustrated by the low number of deaths. "The COVID-19 mortality rate in Kerala is 0.4 per cent, the lowest in the world. People ask, have all deaths been reported? We try to understand it by doing an 'excess death analysis' —by looking at the 'all-cause mortality' during the pandemic, we will understand the impact of the pandemic. Some prominent foreign universities have conducted excess death analysis in 77 countries, and a disturbing picture has emerged. In 51 countries, deaths increased substantially than in the previous years. In Peru, there was a 72 per cent increase in the number of deaths in 2020 than in 2019. In the United States., it was 11 per cent, in the United Kingdom it was 13 per cent, in France it was 8 per cent, and so on. Excess deaths had come down only in six countries. The figures for India are unavailable. Kerala's performance stands out."

In the context of Karnataka placing restrictions on the entry of people from Kerala in view of the high number of cases here, the Chief Minister said: "This act has no justification. There was a time when Karnataka used to report over 150 deaths and over 10,000 active cases. It meant that nearly three crore people would have had COVID-19. Kerala has not had even one-tenth of those infections among its people. We also have to take into account the better reporting system in Kerala. In

K. RAGESH

A COVID-19 VACCINATION CAMP for government officials and staff chosen for the Assembly election work, in Kozhikode on March 1.

Karnataka, when 30 people get infected, only one case is reported. In Kerala, one out of three cases of infection is reported. The impression that the number of cases is higher in Kerala than in other States arose because Kerala is determining more cases, more efficiently. But many people are trying to tarnish Kerala by hiding the fact that Kerala is the State with the least number of COVID-19 deaths, a State that tracks infections efficiently and gives its patients the best of treatment and care. But nothing can hide the experience of the people of Kerala."

REPORT ON TESTING STRATEGY

In recent months, Kerala has been facing criticism for its over-reliance on antigen tests, instead of on the more sensitive RT-PCR tests, which critics said had led to an increase in the number of cases in later months. But a technical paper on COVID-19 testing strategy published by the State Department of Health and Family Welfare, has refuted this claim and says that antigen tests have good potential in determining contagious individuals. To quote: "After collection, PCR samples typically require transport to a centralised lab staffed by experts, which drives up costs, drives down frequency of testing, and can delay results by one or more days. This can delay rapid isolation of individuals who are actually infectious. Testing regimen using rapid antigen tests that can be performed at the periphery and give results within 30 minutes is more sensitive than testing based on PCR techniques for containing the transmission."

The paper pointed out that the testing strategy of the State recommended rapid antigen tests at the periphery for individuals with influenza-like illnesses and asymptomatic people in clusters and RT-PCR-based tests for individuals with definite contact history and severe acute respiratory illness, symptomatic travellers, health care workers and before a surgical procedure. It, however, noted that symptomatic individuals who tested rapid antigen negative should necessarily undergo RT-PCR tests.

The report said the key question is not how well molecules could be detected in a single sample but how effectively infections could be detected in a population by a given test as part of an overall testing strategy—and that the sensitivity of the testing regimen was more important than the sensitivity of individual tests. "For an effective COVID filter that will stop this pandemic, we need tests that can enable regimens that will capture most infections while they are still infectious. Unwarranted use of RT-PCR as a routine test will detect people who are non-infectious and add unnecessary burden to the people and system," it said.

"Infection does not happen because antigen tests are done or not done. RT-PCR test are done or not. Infections happen because people are complacent to the need for absolute follow up of COVID appropriate behaviour," the report cautioned.

Kerala has now launched a "Back to the Basics" campaign, insisting that people strictly follow the norms of wearing masks, maintaining physical distance and using sanitisers. It calls for minimising social interactions and a change in the mode of social interactions. And, importantly, it exhorts health functionaries to "ensure that the screen, test, isolate, contact trace, quarantine, symptom surveillance, hospitalisation, treatment and care and post-COVID care continuum" is followed. ☐

Worrying increase

Maharashtra's COVID count rises again, this time more in the districts, but the government says things are under control. BY **LYLA BAVADAM**

MAHARASHTRA CHIEF MINISTER UDDHAV Thackeray struck an ominous note in his public address on February 21 when he mentioned the possibility of another lockdown. He made it clear that the decision rested with the people, not with him or his government. "Those who don't want a lockdown will wear their masks. Those who want a lockdown won't wear a mask. I request you to wear your masks, wash your hands and stay home unless you really need to go out," he repeated for the umpteenth time. "I don't like keeping you at home," he said, "but we must remember that this is a war and having a sword and a shield is just part of the victory.... Knowing how to use it is what really brings you victory. Your sanitiser and your mask are like your shield. Use them." He also declared a State-wide ban on religious, social and political gatherings.

He held out the assurance that the vaccination programme would pick up just as the public health services had picked up. "Last year we had shortages of oxygen, no ambulances, no testing labs except for two. But we fought all this and now we have more than 500 labs," he said. Reiterating that complacence would be a mistake, he reminded the public that the West had to reimpose lockdown because they slacked off in the basic protocols. "We opened up because we needed to, but with this comes a responsibility. Earlier we had the slogan *Majhi Kutumb. Majhi Jababdari* [My Family. My Responsibility]. Now I am making it even more specific. I am saying *Meech Jababdar* [I am responsible]."

The Chief Minister's 30-minute speech was prompted by the rise in COVID-19 numbers in Maharashtra. He said he was "worried at the way the numbers started rising after February 10". The lockdown threat was not realised only because the recovery rate remained high. In Mumbai, for instance, though the city was reporting around 1,000 new cases daily, the recovery rate was 93 per cent.

The Centre has acknowledged a rise in cases all over the country. It announced on February 28 that Maharashtra, Kerala, Punjab, Karnataka, Tamil Nadu and Gujarat accounted for 86.37 per cent of the new cases in the past 24 hours, that is, February 27. In Maharashtra, 8,293 new cases were reported on that date. The Brihanmumbai Municipal Corporation (BMC) data showed 12 active containment zones in Mumbai and 133 sealed buildings.

The rise and fall in COVID-19 cases mirrored the pattern of the worst days of the crisis last year. On February 25 and 26, the count was 1,000 and 1,145 active cases respectively in Mumbai. On February 27 the number dropped to 987, only to rise again to 1,051 on February 28. On February 26, Dharavi saw 16 new cases, its highest since October. Dharavi was one of the city's hotspots that went on to become a model for virus containment methods.

CHIEF MINISTER Uddhav Thackeray during an interaction with the media in Mumbai on February 28.

On March 1, there was a drop in new cases in Mumbai. There were four deaths in the city and 30 fatalities in the rest of the State. On the same day, there were 855 new cases in the city and 6,399 in the rest of Maharashtra. As of March 1, the total number of cases in the city was 3,26,770. The death toll since the virus was officially recognised is 11,474.

Worryingly for the government, there has been a steady rise in cases in the districts since the middle of February. Pune registered 790 new cases, Navi

VIVEK BENDRE

A MASK SELLER near Chhatrapati Shivaji Terminus. Wearing a mask in public places is compulsory in Mumbai after the surge in COVID-19 cases. Thackeray in his address on February 21 told the people that they would have to wear masks if they wished to avoid another lockdown.

Mumbai 153, Thane 211, Amravati 632 and Nagpur 796. A State Health Department official said that the districts had been relatively unscathed through the worst phases of the pandemic and for cases to spring up when hotspots like Mumbai were "cooling down" was "a matter of concern".

The eastern district of Amravati went into complete lockdown on February 21 for a week, which was later extended to March 8. Hingoli in central Maharashtra had curfew from 7 a.m. to midnight from March 1 to 8. For all practical purposes, this was like a lockdown except that essential services and deliveries could function, and also banks but only for administrative reasons. Pune, too, is under curfew until March 14.

While a complete lockdown in the State seems a remote possibility, considering that economic activity is just about resuming, there is the very real chance of new curbs and limitations being imposed if the numbers keep rising. While a low death rate and a high recovery rate are reassuring, the new surge has to be investigated. Maharashtra seems to be in an ideal position to lead this investigation considering that the State has led in terms of case numbers and seen a rise and dip in numbers through the crisis.

WHY THE SPIKE

The sudden increase in the number of people using the local train services is thought to be one reason for the surge. Within three days of the local train services opening up on February 2 about 33 lakh passengers had ridden the Central and Western Railway trains. This is still not even 50 per cent of the pre-COVID ridership and the numbers are bound to increase. The laxity in not wearing masks, congregating in numbers, holding large functions and going out even for non-essential activities have all played their part in promoting the surge.

Sero-prevalence studies in Mumbai and Pune seem to indicate that more than 50 per cent of the population have had exposure to the virus. But there is no clear strategy to take this a step forward and develop an understanding about the virus. There is no strategy designed to measure if re-infection is happening, whether certain areas or regions or age groups or any other category have shown more signs of sero-prevalence. As the Health Department official said, "at present the virus is still at least one step ahead of us".

This time around, much of the rise in Mumbai's numbers is from areas that house the privileged classes. One explanation for this could be that residents of such areas had the luxury of remaining indoors through the lockdown. Now, as they emerge from their homes with an easing of restrictions, they are more susceptible to infection.

BMC figures show a sharp contrast between the statistics of June 2020 and the current figures. In June last year, when the pandemic was at its peak, the number of people living in containment zones was around 61 lakh. Of these, about 47 lakh were from slum or lower-middle-class housing areas. In these areas there were 726 designated containment zones. The remaining 14 lakh or so people were in middle- and higher-class housing areas. Buildings in containment zones totalled 5,831.

Current data show almost the opposite trend. First of all, there are no vast containment zones. They are more localised and restricted to single buildings or clusters of buildings rather than entire areas and slum colonies. At present there are 12 containment zones and the number of buildings sealed is 1,849. A building is sealed only if there are five or more coronavirus cases in it.

Increased testing and greater willingness to get tested is a possible reason for the surge. The BMC's sheer doggedness in this regard has broken down the earlier fears and stigmas associated with testing. The threat from the virus, however, is far from over. Dr Michael Ryan, executive director of the World Health Organisation's Health Emergencies Programme, said during an online press conference, "I think it will be very premature, and I think unrealistic, to think that we're going to finish with this virus by the end of the year." Or, as Uddhav Thackeray said in his more earthy way, "We are yet to behead corona." □

COLUMN

ECONOMIC PERSPECTIVES

C.P. CHANDRASEKHAR

Pakistan in debt trap

Pakistan's debt crisis, further aggravated by the COVID-19 pandemic, is the result of not only its fiscal profligacy but also the supply side debt push arising from the competing security ambitions of the United States and China.

THE COVID-19 pandemic and its after-effects have worsened Pakistan's external debt problem. The nature of the problem is one typical of a country trapped in debt. While the burden of legacy debt is large, keeping the economy going requires borrowing more. Being on that trajectory implies that the foreign exchange required to meet interest and amortisation payments on past debt is large and rising. So additional borrowing must also cover the cost of servicing past debt. The result is a runaway increase in indebtedness until the tap runs dry and a crisis ensues. That has not yet happened, and Pakistan appears to be still afloat. But the ability to stay afloat seems to be part of the problem.

Pakistan's total public debt stood at 87 per cent of the gross domestic product (GDP) and external debts and liabilities stood at 45 per cent of the GDP at the end of Financial Year 2019-20 (July-June). In absolute terms, Pakistan's external debt and liabilities have risen from $95 billion in December 2018 to $110.7 billion in December 2019 and $115.7 billion at the end of December 2020.

Much of this external debt was on account of public borrowing, amounting to $90.5 billion or 78 per cent of the end-December 2020 debt of $115.7 billion being on account of public debt. Not surprisingly, in 2019-20, the servicing of external public debt cost the government $11.9 billion, sharply up from $9.7 billion in 2018-19.

Rising external debt clearly reflects the government's failure to mobilise adequate tax and non-tax revenues to finance its expenditures. It also results from a combination of accumulated foreign currency debt service commitments, deficits on the trade account of the balance of payments, and stretched public borrowing in domestic currency at home. Two-thirds of the increase in the government's debt in 2019-20 was through domestic borrowing.

While excessive external indebtedness has structural roots, the problem has been aggravated by the COVID-19 crisis that adversely impacted both government revenues and export receipts. Foreign exchange reserves of around $12.5 billion in early February were equivalent to only about three months' imports. If special assistance had not been arranged, matters would have been worse.

FOREIGN LOANS AND AID

Pakistan has benefited to the tune of $1.7 billion from limited debt relief provided by the G-20 in the form of postponement of debt servicing payments, under its debt service suspension initiative.

Pakistan also received $1.4 billion from the International Monetary Fund (IMF) in April 2020 from the Rapid Financing Instrument created to support low-income countries affected by the pandemic. The IMF's special assistance was principally meant to support health initiatives and a short-term fiscal stimulus. For the Pakistan government, it just meant much-needed budgetary resources.

China, too, has been accommodative. In March 2019, well before the COVID-19 crisis, when Pakistan was faced with balance of payments difficulties, China provided it a loan of $2.1 billion. At that time, Saudi Arabia and the United Arab Emirates (UAE) also pitched in with a billion dollars each. In fact, Saudi Arabia's support was part of a $6 billion package involving $3 billion in credit and another $3 billion in deferred payments for oil imports.

However, in August 2020, in the midst of the pandemic, Saudi Arabia insisted on Pakistan repaying $1 billion of a $3 billion loan provided in 2018. This was reportedly because of the former's annoyance over Pakistan's insistence that the Organisation of Islamic Countries (OIC) officially come out against the Indian government for revoking the special status of Jammu and Kashmir under Article 370. The unexpected demand spelt a crisis for a debt-stressed government. But China stepped in with an offer of a matching $1 billion.

CHINA TO THE RESCUE

China has always been quick to come to Pakistan's aid. Soon after the pandemic broke, as early as March 2020, China provided Pakistan with a grant assistance of $4 million, besides material aid in the form of face masks, ventilators and other equipment.

The willingness of foreign donors to accommodate Pakistan's demands, despite the perception that its problems stem from profligacy, is the flip side of the country's debt problem. A significant share of Pakistan's external debt is from official sources—$33.1 billion from multilateral sources and $14.6 billion from bilateral donors. The ever-present IMF contributed $7.4 billion as of December 2020.

Two factors played a role in ensuring official support. The first is Pakistan's close relationship with neighbouring China and its important role in the latter's Belt and Road Initiative (BRI). Bloomberg estimates the cost of BRI projects, both completed and under construction, at $33 billion.

The second is Pakistan's complex relationship with the United States, and therefore with the IMF. Ever since receiving its first Extended Fund Facility (EFF) loan from the IMF in 1988, Pakistan has constantly been supported by the former. And though the IMF's loans come with conditionalities, Pakistan has not suffered because of not implementing them in full, including targets set for the fiscal deficit aimed at reigning in new borrowing.

SPECIAL TREATMENT BY THE U.S.

Notwithstanding breaches of conditionality, Pakistan has been rewarded repeatedly with new loans. Since 1988, the country has been under 13 IMF exceptional financing arrangements. As many 12 of these were stalled midway because of missed targets but were eventually revived. A December 2012 working paper from the London School of Economics titled "Pakistan, the United States and the IMF: Great game or a curious case of Dutch Disease without the oil?" by former IMF officials from Pakistan Ehtisham Ahmad and Azizali Mohammed notes: "A history of Pakistan's relations with the IMF (and the Bretton Woods Institutions in general) cannot be told without reference to the complex and changing role played by the United States, especially since the mid-1980s when the Reagan administration stepped up responses to the Soviet Union in Afghanistan."

This U.S.-inspired special relationship the IMF has had with Pakistan not only meant that it was repeatedly supported by new doses of multilateral credit (in addition to large volumes of bilateral flows), but also that it benefited from "exceptionally favourable conditionality and flexibility in giving waivers, on not meeting even soft conditionality standards".

This special treatment has been visible recently as well. In October 2020, negotiations over the release of another tranche of funding under an ongoing three-year EFF programme signed in 2019, totalling $6 billion, were stalled. Pakistan, as has happened in the past, had not met conditions attached to the loan, relating to ostensibly revenue-enhancing tax reforms, upward flexibility of electricity and gas prices, reduced fiscal deficits, and a hike in (repo) interest rates by the central bank.

Faced with protests at home, Prime Minister Imran Khan did not want to be seen as promising to adopt austerity measures in the midst of a pandemic. Once again, both sides finally relented. The IMF promised to release $500 million of $2 billion due by March 2021. The government, on paper, agreed to implement measures to ensure debt sustainability and advance structural reforms. That is unlikely to happen, because Pakistan's need to get the IMF programme going again was linked to its plans to borrow more from private global markets with a $1 billion Eurobond issue and a float of dollar denominated "sukuk" or Islamic bonds. This only means that come 2022, and when the current IMF programme ends, Pakistan would need another IMF loan to service the even larger external debt on its books.

Clearly, Pakistan's debt problem is not solely the result of the government's fiscal profligacy. It also has to do with a supply side debt push that results from the competing security ambitions of the world's leading present-day rivals, the U.S. and China. The U.S. has tried pushing China back by implicitly prompting Pakistan to default on Chinese debt. Bilateral U.S. assistance and IMF support are often delayed on the grounds that the money would be used to repay debt to China. But that has not worked because China has been extremely accommodative when Pakistan finds itself unable to meet past commitments without receiving new flows.

In the event, Pakistan's external debt and debt service burden continue to rise. And that will possibly remain true so long as it remains a strategic partner that cannot be dropped by the U.S. or China, occasional irritants and periodic disagreements notwithstanding. □

The noose tightens

Jittery over the swelling tide of online dissent, the government issues new rules that give it overarching powers to control digital media under the guise of preventing misuse of freedom of speech. BY **T.K. RAJALAKSHMI**

IN a wide-ranging move aimed at controlling content on the Internet, the Ministries of Electronics and Information Technology and Information and Broadcasting issued the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, that purport to regulate digital media, social media and over the top (OTT) platforms. They have done this on the pretext of providing an institutional mechanism to check misuse and abuse of the freedom of speech on social media and ensuring "responsible freedom" of the media. The rules supersede the Information Technology (Intermediary Guidelines) Rules issued in 2011.

While the "overall architecture" of the new rules is designed to be under the IT Ministry, the I&B Ministry will regulate digital media and OTT platforms. In a Press Information Bureau (PIB) release on February 25, the government said that the rules had been issued after "elaborate consultation with the public and stakeholders". The rules, it said, are aimed at addressing concerns about the "lack of transparency, accountability and rights of users related to digital media."

According to the government, ordinary users of social media and OTT platforms did not have a robust complaint mechanism where they could register their complaints and get them redressed within a defined timeline.

The release said: "Lack of transparency and absence of robust grievance redressal mechanism have left the users totally dependent on the whims and fancies of social media platforms. Often, it has been seen that a user who has spent his time, energy and money in developing a social media profile is left with no remedies in case that profile is restricted or removed by the platform without giving any opportunity to be heard."

In the PIB release, the government said that India was the "world's largest Internet society" and that the government welcomed social media

SANDEEP SAXENA

RAVI SHANKAR PRASAD, Minister for IT and Communications, and Prakash Javadekar, I&B Minister, at a conference to announce new rules for social media companies and a code of ethics for OTT streaming platforms, in New Delhi on February 25.

companies to "operate in India, do business and also earn profits. However, they will have to be accountable to the Constitution and laws of India".

It also said that these social platforms had enabled ordinary Indians to express their creativity, ask questions, be informed and freely share their views, including criticism of the government and its functionaries.

The release said: "The government acknowledges and respects the right of every Indian to criticise and disagree as an essential element of democracy." But, it added, the "proliferation of social media on one hand empowers the citizens and on the other hand gives rise to some serious concerns and consequences which have grown manifold in recent years".

According to the PIB release, these concerns were "raised from time to time in various forums including Parliament and its committees, judicial orders and in civil society deliberations in different parts of country. Such concerns are also raised all over the world and.... [are] becoming an international issue."

The government held that "of late, some very disturbing developments" were observed on the social media platforms. It said that the "persistent spread of fake news" had compelled many media platforms to create fact-checking mechanisms.

The release said that other disturbing developments included the rampant abuse of social media where morphed images of women were shared and content related to revenge porn threatened the dignity of women. Misuse of social media for settling corporate rivalries in blatantly unethical manner had become a major concern for businesses, and there was a rise in the use of abusive language, defamatory and obscene content and blatant disrespect to religious sentiments through platforms, it said in the release.

Besides, it said: "Over the years, the increasing instances of misuse of social media by criminals and anti-national elements have brought new challenges for law enforcement agencies. These include inducement for recruitment of terrorists, circulation of obscene content, spread of disharmony, financial frauds, incitement of violence, public order, etc."

amazon
video

BY SPECIAL ARRANGEMENT

AT A PROTEST against Amazon Prime's Tandav web series, in Mumbai on January 18.

It is not clear to what extent the government had consulted the public and stakeholders, as the government itself admitted that no one knew the extent and number of digital news media outlets. But what is apparent was that the two Ministries had definitely held consultations amongst themselves to, according to the PIB release, formulate a "harmonious, soft-touch oversight mechanism in relation to social media platforms and digital media and OTT platforms".

Also, the government claimed that the consultative process was as robust as possible. It put up a draft on December 24, 2018, on the Meity-.gov.in Web site and invited comments from the public. Some 171 comments and 80 counter-replies to those comments were received.

DIGIPUB, an association of digital publications of news and current affairs representing the largest collection of digital news publishers in the country, while broadly welcoming the need to self-regulate, expressed its disagreement with the process and with certain features in the Rules that allowed the government to block or remove content.

Currently, the power to block content is present in Section 69A of the IT Act, but it is subject to constitutional safeguards. This power is not applicable either to print or electronic media as they are governed by the Press Council of India and organisations such as the News Broadcasters Services Association.

DIGITAL PUBLICATIONS' DISAGREEMENT

DIGIPUB also pointed out that "a publication relating to current affairs" not only represented the author's or publisher's right to freedom of expression under Article 19 of the Constitution but also the right of the citizen to be informed and to access different viewpoints. It said that it had written to the I&B Ministry on December 2, 2020, for a consultation but did not receive any reply.

The government said that the new rules empowered users with a mechanism to redress grievances pertaining to child pornography, gang rape and rape imagery videos on websites and content hosting platforms and applications, misuse of social media and fake news.

The issuance of the new rules seems to have been precipitated by a Supreme Court order of September 2019 in a *suo motu* writ petition known as the Prajwala case, a Calling Attention Motion in the Rajya Sabha and the concerns expresses by an ad hoc committee of the Rajya Sabha.

The ad hoc committee had "studied the alarming issue of child pornography in India and its effects on children and society" and had recommended enabling the identification of the first originator of the content. There is no dispute about the concerns, especially those relating to images of child pornography, rape or gang rape. The problem arises because the rules are not confined to controlling child pornography but are aimed at regulating all content based on the subjective perceptions of all "users".

In the new rules, an 'intermediary' refers to websites, apps, blogs, portals of social media networks, media sharing websites, online discussion forums and "other such functionally similar intermediaries". An entire list of do's and don'ts has been drawn up for these intermediaries as part of the rules and regulations for their users.

Users will now be informed not to "host, display, upload, modify, publish, transmit, store, update or share any information that was defamatory, obscene, pornographic, pedophilic, insulting or harassing on basis of gender, racially or ethnically objectionable, harmful to minors" and information that "threatens the unity and integrity, defence, security or sovereignty of India, friendly relations with States, or public order, or causes incitement to the commission of any cognizable offence or prevents investigation of any offence or is insulting any foreign states".

If such information is hosted, stored or published, it will have to be removed within 36 hours after being notified either by a court order or a government agency.

'FIRST ORIGINATOR'

Very broadly, under the new rules, all intermediaries, including social media intermediaries, are expected to observe "due diligence", failing which they will lose the provisions of a safe harbour under the IT Act. These provisions grant conditional immunity to intermediaries from liability for third-party acts. "Due diligence" in this case includes appointing mechanisms to redress grievances and a Grievance Redress Officer to receive complaints from any user and ensure resolution of a grievance within 15 days of the receipt of the complaint. For the protection of the dignity of women users, the intermediaries are required to remove or disable access to objectionable content within 24 hours of receipt of a complaint from either the victim or a third party.

The rules make a distinction between ordinary social media intermediaries and "significant" social media intermediaries (those with a large user base). The "significant" intermediaries are supposed to appoint a Chief Compliance Officer, a Nodal Contact person who would be in touch with enforcement agencies and a Resident Grievance Officer, and publish a monthly report on the grievances received and the action taken.

INSIDIOUS PROVISION

But these are the more innocuous components of the rules. The insidious part comes in requiring intermediaries to disclose the "first originator" of information "only for prevention, detection, investigation and prosecution of an offence related to the sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material punishable with imprisonment for a term not less than five years".

On the other hand, the intermediary is not required to share any information or message with the first originator, whose rights are not protected. However, all users enjoy the right to dispute the intermediary if the latter removes or disables any information on its own accord.

The rate at which people have been filing complaints against journalists and activists invoking the law of sedition and the police have been registering first information reports (FIRs) indicates that the perception of what threatens the security of the state or what is construed as an offence against public order is an area open to wide interpretation by the public and contains potential for misuse by agencies.

The government is also seeking to rein in digital media and OTT platforms. It claimed that consultations were held in "Delhi, Mumbai and Chennai" and the OTT platforms were told to evolve a self-regulation mechanism. Since they did not do so, as I&B Minister Prakash Javadekar said during a media briefing on February 25, the government felt compelled to step in.

Ravi Shankar Prasad, the Minister for IT and Communications, also said that there should not be any double standards. "When Capitol Hill is attacked, social media supports police action; but when there is an aggressive attack on the Red Fort, a symbol of India's freedom and where the PM unfurls the national flag, there shouldn't be any double standards," he said.

He said the Supreme Court had ruled that the Internet was not a fundamental right and that freedom of speech and expression was a fundamental right subject to reasonable restrictions under Article 19(2) of the Constitution.

In reply to a question on consultations, Prakash Javadekar said that the government did not know the total number of digital news portals and that it would know only after they disclosed their details. "Our doors are open to them," he said.

The signs of such rules being formulated were apparent given the government's frequent run-ins with social media platforms like Twitter in the context of the farmers' protest. More and more individuals and organisations were seen expressing their discontent and disagreement with the policies of the government. In a healthy democracy, all this should have been par for the course. Yet, on many occasions, cases were filed against persons for tweeting what was perceived as anti-national or on charges such as inciting hatred between communities.

In the context of the farmers' protest, the government did not take kindly to persons using social media platforms to critique the farm laws and, as a consequence, the government. At least six individuals, including a Member of Parliament from the opposition, were booked for sedition for posting tweets relating to a farmer's death. Although some of those individuals withdrew their tweets, cases were registered.

Twitter was asked to suspend some 500 accounts, including those belonging to a news magazine. It restored several of these accounts after finding that the suspension ran contrary to its own policy of free speech and expression and to the guarantees under the Constitution.

DISSENT AS OFFENCE

The Enforcement Directorate conducted random raids on the office and homes of people working in Newsclick, an online news media outfit. The raids lasted for almost 110 hours. Newsclick, a known critic of the government, was asked to explain its source of funding. Newsclick said that it had nothing to hide and gave the explanation sought from it. Stories were systematically leaked to sections of the mainstream and government-friendly online media for a few days. Several mediapersons and journalists' organisations protested against the raids, describing them as a ploy to intimidate the media.

Prior to this, the government ordered an OTT platform to delete certain scenes of a web series after viewers complained that they were derisive of Hindu gods and goddesses. Cases were registered against the producer of the series. The scenes were eventually deleted.

It would not be incorrect to say that the new Rules were in the offing; what was unexpected was the way they were bulldozed through by the fiat of an executive order without any consultation with the stakeholders.

According to the government, social media intermediaries are no longer limited to playing the role of a pure intermediary and often become publishers. It also stated that the new rules were "a fine blend of liberal touch with gentle self-regulatory framework. It works on the existing laws and statues of the country which are applicable to content whether online or offline".

All that it had done, it said, was to propose a level playing field. News and current affairs publishers are expected to follow the journalistic code of conduct of the Press Council of India and the Programme Code under the Cable Television Network Act, which are already applicable to print and television channels.

Publishers of online media are required to set up a six-member committee for self-regulation, whose broad composition will be decided by the government ,and register it with the I&B Ministry. Apart from this, a government oversight committee in the form of an inter-departmental committee will watch over the media.

The I&B Ministry will publish a charter for the self-regulating bodies including a Code of Practices. With much of the regulation envisaged by the government, the scope for self-regulation seems limited.

Clearly, there is more to the new rules than meets the eye. According to estimates compiled by the government, there are around 53 crore WhatsApp users, 44.8 crore YouTube users, 41 crore Facebook users, 21 crore Instagram users and 1.75 crore Twitter users.

The press note itself was proof that the government had acted in a knee-jerk fashion, obsessed with the sole objective of reining in opinions and thought processes it perceives as inimical to its political interests. The timing was also intriguing, coming as it did in the wake of the ongoing farmers' protests, which had gained a lot of traction and attention internationally as well.

When the climate activist Greta Thunberg tweeted about a protest tool kit, it raised the hackles of the Bharatiya Janata Party (BJP) leadership.

When young climate activists in India did the same, they were booked under sedition and other clauses of the Indian Penal Code. The courts miraculously came to the rescue, granting bail and broadly ruling that dissent cannot be sedition. Media observers have expressed the concern that the new Rules may encourage "proxy grievances". According to the Internet Freedom Foundation (IFF), an organisation that works for Net neutrality, privacy, free expression and innovation, the Rules have the potential to fundamentally change how the Internet is accessed and used by millions of users across India.

The IFF said that the Rules were just a ploy to regulate OTT platforms and online media by proxy, apart from being "grossly unconstitutional."

The IFF has said that the vague definition of "publisher of news and current affairs content" would discriminate against small and independent media that often use the Internet to disseminate news and content as opposed to the legacy media.

It said that social media intermediaries such as WhatsApp, Signal or Telegram would now have to disclose the identity of the "originator" of the "objectionable post" or message, which means that end-to-end encryption provided until now would have to be violated. As of now, end-to-end encryption keeps the identity of the person confidential.

The IT Act already provides encryption standards and methods. In 2009, there was a Home Ministry notification that gave powers to the government to demand "decryption".

The new Rules also failed to take into account the possibility of the originators of the information having no control over the forwarding of the messages or altering of the original message and could finally be framed for something that they did not do.

It has been argued that the restrictions on the freedom of expression must be demonstrably necessary to the interests enumerated in Article 19(2) and must be reasonable, fair and just. The scope of restrictions on such freedoms can be wide if a government is too sensitive to criticism and construes every such expression of dissent as seditious. □

Coy about competing

The postponement of the local body elections in Madhya Pradesh leads to speculation that the ruling BJP fears an adverse outcome in view of the general distrust among the public. BY **ANANDO BHAKTO**

PTI

A DELEGATION led by Congress MP Digvijaya Singh meets State Election Commissioner B.P. Singh to demand the holding of local body elections, in Bhopal on February 24.

THE opposition Congress in Madhya Pradesh is of the view that the Shivraj Singh Chouhan government is delaying the conduct of local body and panchayat elections fearing a major electoral upset. Congress leaders alleged that the government was using the pandemic as a cover to defer the elections as a combination of factors, including rural discontent against the Bharatiya Janata Party (BJP) and skyrocketing prices, were not favourable to it.

The local body and three-tier panchayat elections in Madhya Pradesh were expected to be concluded by December 2020, but in December, the State Election Commission deferred them to March 2021, citing the prevailing situation on account of the COVID-19 pandemic.

On December 26, Arun Parmar, Deputy Secretary of the State Election Commission, said that in view of the public health situation, the deferred elections would be conducted after February as government departments had not completed preparations. He said: "After analysing the condition of COVID-19 cases in Madhya Pradesh, the Commission has decided to defer the elections to eight municipal corporations and 407 municipalities, which were slated to be held between January and February 2021, and the three-tier panchayat elections, which were slated to be held from December 2020 to February 2021."

While elections to local bodies in Jammu and Kashmir, Hyderabad and Rajasthan and the Bihar Assembly were held during the pandemic last year, the date for the local body election in Haryana has been declared. The Congress cites these cases to add substance to its allegation that the Shivraj Singh Chouhan dispensation is exploiting the pandemic situation to claim lack of preparedness as an excuse to hold elections, and this was being endorsed by the Commission without scrutiny.

Abbas Hafeez Khan, Congress' spokesperson, said the party had initiated several innovative administrative measures during Kamal

Nath's 15-month stint (from December 2018 to March 2020) in power. "In a number of panchayats people benefited from our farm loan waiver. Farmers of the State may not be seen on the roads, protesting aggressively against the BJP's corporatisation of the agrarain sector, but there is noticeable anti-BJP sentiment among them. The BJP has realised this and hence it is trying its best to delay the local body election until after the April/May Assembly elections in four States and one Union Territory."

Abbas Hafeez said the Congress government had brought out master plans for 17 cities. This was in addition to 35 master plans that were in the pipeline when the Kamal Nath government fell after Jyotiraditya Scindia left the party along with 22 MLAs. "We came out with a 234-kilometre-drinking water pipeline in just 15 months. Bhopal saw its first master plan in two decades, the last one was in 2003 under Congress Chief Minister Digvijaya Singh. The Congress' performance in the Assembly byelections in November last year may have been disappointing [the Congress won nine of the 28 seats and the BJP 19], but in the past three months of the farmers' agitation, things have changed drastically on the ground," he claimed.

Political observers are of the opinion that the BJP may have to do a lot of leg work to regain its hold in the hinterland, given the ongoing farmers' agitation which is being watched keenly by the State's disadvantaged sections. The agrarian community has a sizeable presence in the Malwa-Nimar region. It suits the BJP to defer the elections for two reasons. One, any adverse outcome in the local elections in Madhya Pradesh will illustrate that the farmers agitation at Delhi's borders is developing into an anti-BJP sentiment across the country, a perception the BJP is attempting to scupper. Two, such an outcome will in some way affect the people's enthusiasm to vote for the BJP in election-bound States, in particular West Bengal where the party is banking on a unidimensional media narrative projecting it as the direct challenger to the Mamata Banerjee-led Trinamool Congress regime.

Apart from these calculations, the BJP is constrained by the fact that several senior leaders from the State have been deputed in West Bengal and other States to oversee the party's campaign. Top leaders such as Suhas Bhagat, Kailash Vijayvargiya, Narottam Mishra, Prahlad Patel and Vishwas Sarang are stationed in West Bengal. The BJP central leadership has asked Shivraj Singh Chouhan to visit West Bengal and oversee the preparations. With the absence of senior leaders from the field, the BJP cannot be sure of repeating its good show in the byelections.

On February 26, the High Court took note of the inordinate delay in holding the civic and panchayat elections. "As the State government as well as the Election Commission had reached a consensus on the issue, the process should be expedited," the Indore bench of the High Court said in an order. A division bench of Justices Sujay Paul and Shailendra Shukla disposed of petitions filed by Bharat Parakh, former corporator from Indore, and Tolaram Gamad from Dhar district, who had stated that delaying the elections constituted a violation of the constitutional provisions. The bench said: "It is agreed that these writ petitions may be disposed of by directing the respondents to expedite the process of election of municipal bodies and Panchayats... and hold the elections as early as possible."

While the Congress is hopeful of regaining its position with a good show in the local body elections, its faces monumental challenges. With Jyotiraditya Scindia joining the BJP, the Congress has the daunting task of building the party in the electorally significant Gwalior-Chambal region and containing the tussle among a host of second-generation leaders who are aiming at important positions in the State leadership that Kamal Nath now helms.

A source in the Congress said: "Though there is consensus that Kamal Nath will be the party's face in the 2023 Assembly elections, several senior leaders are competing to emerge as the second most powerful face within the party. This has exposed the power tussle and factionalism in the party, which are primarily responsible for our defeat in successive elections in the State."

According to the source, Jitu Patwari, Arun Yadav and Umang Singh are among the leaders who are engaged in the power tussle. Jitu Patwari and Arun Yadav are influential in the Malwa and Nimar regions respectively and Umang Singh has a sizeable following in Dhar and other tribal belts of the State.

AIMIM'S FORAY

Adding to the challenge is the All India Majlis-e-Ittehadul Muslimeen (AIMIM) leader Asaduddin Owaisi's foray into the State. His party's presence could fragment the Congress' exclusive hold over the Muslim votes. The AIMIM has been dropping hints that it will contest the 2023 Assembly election in the State. If that happens, there could be a repeat of what happened in Bihar where the AIMIM wrested five seats from the Congress in the Seemanchal region.

The AIMIM is exploring the possibility of contesting the civic body elections in Madhya Pradesh, Dr Naeem Ansari, acting president of the party's State unit, had told a news agency in December.

"We are exploring the possibility of contesting the civic elections in Indore, Bhopal, Ujjain, Khandwa, Sagar, Burhanpur, Khargone, Ratlam, Jaora, Jabalpur, Balaghat and Mandsaur," he said, adding that the party will present itself as a credible alternative to the BJP-Congress binary in the State. "The people of the State are fed up with the Congress and the BJP because of their caste-based politics and decline in basic services such as health and education, and are looking for a third option," he stated.

How the Congress plans to grapple with this challenge and retain its Muslim consolidation in a State where it has manifestly moved towards soft-Hindutva politics remains to be seen. □

Invisible people

The NITI Aayog draft national policy on migrant workers opts for a rights-based framework instead of a handout approach in addressing the concerns of migrant workers. But analysts seek a more holistic, broader and futuristic policy.

BY **ANUPAMA KATAKAM**

IT took a nationwide lockdown during the COVID-19 pandemic to recognise the plight of an invisible workforce that contributes in no small measure to the nation's economy. When Prime Minister Narendra Modi announced a lockdown on March 24, about 26 lakh migrant workers who provide cheap labour to India's industry and services were abruptly left with nowhere to go and no one to help. Photographs captured thousands of men, women and children working in cities walking hundreds of kilometres on highways towards their villages. Their plight was made worse by employers not paying salaries or using the police to prevent them from leaving their workplaces.

Eventually, trains were organised, but the callousness with which the migrants were treated brought out the glaring fact that this workforce is not just neglected but unempowered too. Suddenly, the issues of the migrant worker on whom even the smallest business depends—a waiter, a construction labourer, an oil-rig worker, a roadside hawker, a grocery store helper—became the focus of public attention.

In response to the migrant workers' concerns, NITI Aayog, the Central government's policy think tank, has drawn up a draft national policy on migrant labour. Its single most important feature, says an economist who advises the Central government, is that it lays down institutional mechanisms to coordinate between Central Ministries, State govern-

MIGRANT WORKERS and their families leaving Mumbai on March 28, 2020, four days after the government imposed a lockdown.

ARUNANGSU ROYCHOWDHURY

ments and local departments to implement programmes for migrants.

The draft policy initiates discussions on the creation of a database of workers, particularly those in the informal economy, an increase in minimum wages, and employment creation in the rural belt in order to stem migration. Other issues addressed include measures to deal with workplace accidents, registration of grievances and provision of adequate shelter. However, a major negative factor, says the economist, is the lack of details on a safety net with regard to livelihood, shelter, food and health. "This is desperately needed, especially after the lockdown crisis."

R.B. Bhagat, head of the Department of Migration and Urban Studies at the International Institute of Population Studies, Mumbai, says: "Admittedly, the Central government is attempting to create a comprehensive policy, but the strength lies in the detail. That is what will make a difference in a policy on migrants. For instance, portability of voting rights, State-specific labour laws and issues with rental housing are serious concerns which have no mention in the draft. It is a narrow vision document. The need is a holistic, broader and futuristic policy."

According to Sunil Dhanji, a labour contractor in Ahmedabad, India has policies and laws with regard to labour, but it is the migrant part of labour that has to be addressed over here. He says: "A pathetic reflection of our callousness was when the lockdown lifted and people wanted their workers back to restart businesses. The same company that did not pay salaries or organise train tickets was sending chartered flights to Bihar to bring back labour. If you saw the flights from October to December 2020, I would say 80 per cent were filled with migrant labour returning from home."

Dhanji says though NITI Aayog's efforts are welcome because it finally asks Ministries to take responsibility, it lacks detail and depth. "It has to be State-driven with coordinated efforts from the Centre. That is where the failing is. Migrant labour invariably slips through the cracks," he says. "Perhaps the only sector that has a safety net for migrant labour is construction due to The Building and other Construction Workers Act, 1996."

TWO APPROACHES

The draft national migrant labour policy rejects a handout approach, opting instead for a rights-based framework. The goal, it says, "should not be to provide temporary or permanent economic or social aids", which is "a rather limited approach". The policy says "migration should be acknowledged as an integral part of development and government policies should not hinder but seek to facilitate internal migration".

The draft essentially describes two approaches to policy design: focus on cash transfers, special quotas and reservation; enhancement of the agency and capability of the community to remove aspects that come in the way of an individual's own natural ability to thrive.

Perhaps the most relevant feature of the draft policy is the requirement of several Ministries to work in tandem. The Ministry of Labour and Employment is proposed to be the nodal Ministry for implementation of policies. A special unit within this Ministry would manage migration resource centres in high-migration zones, a national labour helpline, link worker households to government schemes, and create inter-State migration management bodies.

The policy suggests that the Ministries of Panchayati Raj, Rural Development, Housing and Urban Affairs, and Tribal Affairs use migration data to help set up the migration resource centres. Additionally, the Ministry of Skill Development and Entrepreneurship should focus on skill building at these centres, the document says.

The draft's recommendations include asking source States (such as Bihar and Odisha) to raise minimum wages in order to bring major shifts in the livelihood of tribal people which "may result in stemming migration to some extent". Another proposal is to build a central database to help employers fill the gap between demand and supply and ensure maximum benefit of social welfare schemes. Additionally, the draft policy asks the Ministries concerned with labour and the Census office to be consistent with the definitions of sub-populations, capture seasonal and circular migrant data, and incorporate migrant-specific variables in existing surveys.

According to a social worker involved among construction labour, the draft policy has addressed the issue of education, a much-needed requirement among migrant labour. It proposes that the Ministry of Education take measures under the Right to Education Act, 2009, to mainstream migrant children's education, map migrant children, and provide local-language teachers in migrant destinations. The draft policy also seeks the intervention of the Ministry of Housing and Urban Affairs in addressing issues regarding night shelters, short-stay homes, and seasonal accommodation for migrants in cities. Grievance handling cells have also been proposed; the National Legal Services Authority (NALSA) and the Ministry of Labour have been asked to set up cells that will fast-track legal responses for trafficking, minimum wage violations, workplace abuses and accidentsamong migrant workers.

EARLIER EFFORTS

In January 2017, a Working Group on Migration of the Ministry of Housing and Urban Poverty Alleviation released a report which recommended a comprehensive law for the migrant worker that would form the legal basis to evolve a structure for social protection. The draft policy takes into account this report saying that its recommendations were in line with a 2007 report by the National Commission for Enterprises in the Unorganised Sector under the Ministry of Micro, Small and Medium Enterprises.

The 2017 report argued that the Inter State Migrant Workers Act, 1979, which was designed to protect labourers from exploitation by contractors by safeguarding their right

ANINDITO MUKHERJEE/BLOOMBERG

A MIGRANT WORKER in New Delhi, a May 2020 picture. The draft policy lacks details on a safety net with regard to livelihood, shelter, food and health.

to non-discriminatory wages, travel and displacement allowances, and suitable working conditions, had several limitations. The law covers only labourers brought by a contractor and not independent migrants. The report questioned this approach given the size of the country's unorganised sector.

Says R.B. Bhagat: "Attempts such as the 2017 report have been made in the past, but we believe it is not viewed from the rights perspective. Perhaps the new draft with its emphasis on the rights-based approach will take cognisance of citizenship and human rights, which appears missing."

POLICY PAPER BY EXPERTS

A paper titled "Internal Migration in India: Integrating Migration with Development and Urbanisation Policies" by S. Irudaya Rajan, Professor at the Centre for Development Studies, Kerala, and R.B. Bhagat, published in February 2021, gives a much more realistic impression of the migrant crisis. The authors begin by saying that "internal migration is an important and pervasive feature of the Indian economy and society".

The paper says: "A number of urban policies have been undertaken over the decades to ensure that increasingly large urban centres turn into engines of growth. The contribution of urban centres to India's gross domestic product (GDP) is expected to rise from 47 per cent in 1980-81 to an expected 75 per cent in 2030, provided that urban infrastructure development keeps pace with its potential."

A few schemes such as the Smart Cities Mission and the Atal Mission for Urban Rejuvenation and Transformation (AMRUT), launched in 2015, are said to be holistic urban renewal programmes. However, research has noted how migrants have been excluded from most benefits in cities, including access to social security programmes, with many living in cramped slums. Migrants are also not adequately reflected in statistics. For instance, migration data as a part of employment and unemployment data were last collected by the National Sample Survey in 2007-08, says the paper.

The latest data is the 2011 Census which indicates that almost 46 per cent of India's urban population are migrants. The Economic Survey (2017) estimated that an average of 5-6 million Indians migrated annually between 2001 and 2011, leading to an inter-State migrant population of "about 60 million" and an inter-district migrant population "as high as 80 million". Therefore, the authors believe it is critical to address this invisible population.

With regard to the labour laws, the paper says migrant workers have been governed by various labour laws with no focus on migration status such as the Contract Labour (Regulation and Abolition) Act, 1970; the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; and the Unorganised Workers Social Security Act, 2008. In 2020, different labour laws were amalgamated into four labour codes, but with little concern for migrant workers. Because many establishments are excluded, and also because many labour migrants are not registered, the benefits of labour laws do not reach most migrant workers, the authors say.

Rajan and Bhagat say it is important to ensure access to health care through portable insurance systems and easy access to public health care systems at destination. Their recommendations include the provision of temporary or rental-based housing culminating in ownership in urban contexts. This would pave the way for migrants to acquire an identity, encouraging them to avail themselves of the right to vote and participate in local development. "Urbanisation and rural empowerment policies at national and subnational levels need to harmonise," says the paper.

According to the authors, skills and education programmes must be set up to upskill migrant workers to better their conditions in terms of both work and wages. Programmes to provide education for migrant children will also engender more long-term and robust migration to urban centres. Financial inclusion is critical for migrants to get access to formal channels of banking and credit systems, to not only increase their assets but also ensure legal channels for migrant remittance transfers. Says the paper: "The COVID-19 pandemic has shown that these measures are of the utmost importance. The tragic scenes of migrant workers walking India's roads on their way home could have been avoided if basic safety nets had been in place." ☐

RESPONSE D.J. Narain, Additional Director General, Public Relations, Railways.

The Railways budget

THIS has reference to the article "Subterfuge as policy" (Frontline, February 26, 2021) by Mr R. Elangovan.

The write-up, in general, seemed to be biased against the Railways and ignored the adverse impact of the COVID-19 pandemic on it. Except for the COVID-induced fall in passenger revenues, the Railways has exceeded all expectations in spite of about four months of nil economic activity in the current financial year. On February 28, 2021, it crossed the cumulative freight loading level for the same period in the previous financial year.

The article says that the Railway Minister was criticised roundly during the pandemic for abandoning millions of migrant workers facing the crisis. This is not true. The Indian Railways, under the leadership of Shri Piyush Goyal, undertook one the largest and globally acknowledged human evacuation missions in history, transporting more than 63 lakh stranded migrants to their respective States through Shramik special trains.

The comments about V-shaped recovery in the write-up are misplaced.

The Indian Railway's freight loading has shown a V-shaped recovery after falling to 65 per cent of the level of loading in April 2019-20. It has continually risen in subsequent months and crossed last year's level since August 2020. The recovery is so good that by the end of FY 21, the Railways is slated to cross last year's freight level loading comfortably. The freight loading in 2021-22 is slated to increase from 1,210 MT to 1,270 MT.

The writers' views on the gross traffic receipts have not factored in the impact of the coronavirus at all. Railways is a derived demand, and hence the impact of the lockdown on the Indian Railways was visible on its operations. The challenges before it got accentuated with a drastic fall in passenger revenues.

The year 2020-21 was a difficult one. The compound annual grown rate for Budget Estimate (B.E.) 21-22 over 2019-20 is 11.5 per cent, which is achievable. Even the freight segment recorded a growth of 11 per cent over Revised Estimate (R.E.) 2020-21. Any growth in the economy impacts the demand for railway freight and such growth has been factored in. Passenger revenues have remained the same as B.E. 2020-21.

The comments on capital investments show a lack of full appreciation about the Indian Railways' ongoing process of transformation. It has not only maintained its capex targets in the R.E. of the Budget but is also on its way to meeting them. However, to offset the reduction in global business services for project financing, a provision of Rs.51,000 crore (not Rs.41,000 crore as mentioned in the article) has been made under Extra Budgetary Resources (Special) as a one-time arrangement. As such, despite a decrease in the GBS' [Gross Budgetary Support] share of project financing, the Railways has been able to sustain the capex size at a level more than that of B.E. 2020-21.

The General Budget 2021-22 was momentous for the Indian Railway. It witnessed a "record" budgetary allocation of Rs.1.10 lakh crore, with total capital expenditure outlay of Rs.2.15 lakh crore for 2021-22.

As far as the Rashhtra Rail Smarakshana Kosh (RRSK) is concerned, the Railways is set to prioritise works and incur expenditure in such a way that sufficient funds to important safety works are ensured.

The author's comments on special loans are not based on full facts and understanding about the Railways' abilities. It is quite confident of generating adequate internal resources to be able to repay the loans.

Regarding the comment on reduced fuel expenditure, we wish to state that the Railways is on a mission, perhaps the biggest of its kind in the world, to make itself carbon neutral by 2030. It has invested heavily in electrification over the years. It will be electrified 100 per cent by 2023.

The writer does not seem to know the basic difference between the National Infrastructure Pipeline (NIP) and the National Rail Plan (NRP). The NIP for FY 2019-25 is a first-of-its-kind, multi-Ministry, whole-of-government exercise to provide citizens with world-class infrastructure and improve their quality of life. The NRP, on the other hand, is an exclusive Indian Railways plan to create infrastructure by 2030 keeping the year 2050 as the horizon.

As far as the operating ratio (OR) is concerned, it is just one of the parameters used to measure the Railways' performance. Comparing the OR of a year where a pandemic has impacted humanity with a normal year's OR is not fair. The Railways subsidises the passenger costs by almost 50 per cent. The figures quoted in the article do not reflect factors such as the quality of passenger services, safety, punctuality, faster and customised freight operations, and unprecedented capacity expansion.

R. Elangovan writes:

WITH reference to Mr D.J. Narain's rejoinder, I have the following points to make:

The author seems to conflate the interests of the Railway establishment with the welfare of the organisation. For the record, nothing in the article is aimed at tarnishing the reputation of the splendid organisation.

His claims about Indian Railways' efforts to transport poor migrant workers during the pandemic are not true. About their plight, there have been extensive reports in the media, including Frontline ("Nightmare on Shramik trains", June 19, 2020).

Instead of referring to the absolute numbers on freight loading, as Mr Narain does, I would just point out that even going by the numbers he cites the increase is likely to be less than 5 per cent.

Regarding capex targets, Mr Narain's point is exactly the same as the one I had made—that the burden of the shortfall is being transferred from the general budget to an area outside it. I stand by what I wrote in the article.

It would help if the Railway establishment explains what is "special" about the extra budgetary support that is supposed to fill the huge hole left by the collapse of budgetary support to the Railways' capex plans in 2020-21.

My understanding of railway finances is that there are only three such sources: bond flotations by the IRFC [Indian Railway Finance Corporation], institutional finance and private participation.

Of course, the NIP and the NRP are different. That is why I took care to consider only the rail component of the NIP in order to make valid comparisons with the NRP. The numbers cited were to drive home the point that the Indian Railways has been shifting goalposts, which makes it impossible to evaluate performance against targets previously set.

Mr Narain claims that the Railways is on a mission to reduce its carbon footprint. In the absence of any data, it is difficult to assess the truth of his claim.

The operating ratio is, of course, just one piece of statistics. But Mr Narain has not furnished the other statistics that would buttress his point and counter the figures I had cited.

Mr Narain is silent about the shortfall in the pension account. Also, how does he explain the shortfall in 2019-20 when the COVID-induced stress was nowhere in sight?

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This coffee-table book opens a window to the practice of Buddhism in Japan, right from its arrival in that country 1,000 years ago to its growth through the worship of deities of Indian origin. Benoy Behl's images illuminate the pages and present an invaluable account of Japan's links with Hinduism and with its Buddhist past

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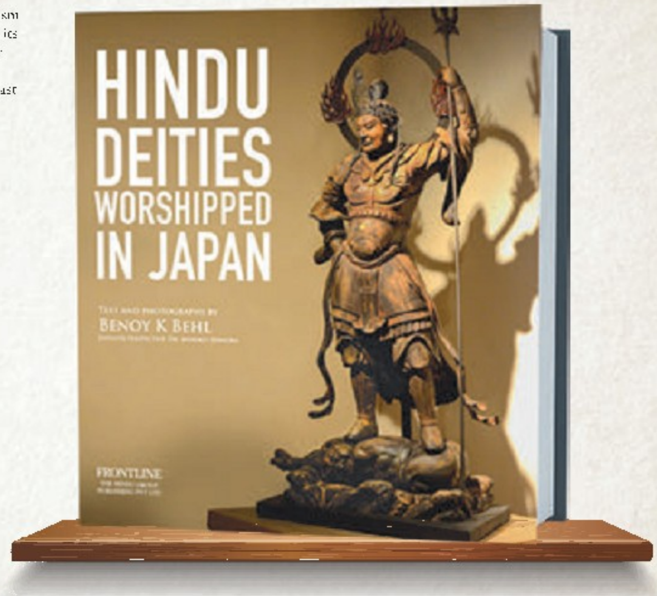

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WORLD AFFAIRS

ISRAEL WAR CRIMES UNDER SCRUTINY

BILAL TELAWI/AFP

OUTSIDE THE KHAN YUNIS HOSPITAL in the southern Gaza Strip on July 29, 2014, two Palestinians injured in Israeli air strikes.

The International Criminal Court has ruled that it has the jurisdiction to investigate all of Israel's actions, including possible war crimes and building of settlements , in the Palestinian territories it annexed after 1967. BY **JOHN CHERIAN**

IN THE FIRST WEEK OF FEBRUARY, THE international Criminal Court (ICC) issued a landmark ruling that said it would investigate possible war crimes committed by the state of Israel in occupied Palestinian territory. The ICC ruled that its jurisdiction extended to all the Palestinian territories Israel annexed after the June 1967 Arab-Israeli War. The ruling was made on the basis of the recommendations that Fatou Bensouda, the ICC's chief prosecutor, made in 2019. She had said that there was "a reasonable basis" to investigate the war crimes the Israeli occupation forces had committed in Jerusalem and in the three military campaigns the Jewish state had launched against the blockaded Gaza Strip in the last two decades. The prosecutor also characterised the building of illegal settlements in the occupied West Bank as "a war crime".

Fatou Bensouda started her investigations in 2015 when Palestine was admitted into the ICC following the United Nations General Assembly's granting of "non-member observer state" status to Palestine in 2012. She has said that there "is reasonable basis to believe" that Israel used "disproportionate force" in the 2014 war in Gaza and in its settlement activities in the occupied West Bank and East Jerusalem. The ICC is also investigating Israel's brutal response to the protests along its border fence on the Gaza border in 2018. In 2009, a U.N. panel under the chairmanship of Richard Goldstone, a retired judge of the South African Supreme Court, inquired into the Israeli military assault that year on Gaza and came to the conclusion that Palestinian civilians were deliberately killed. The Goldstone report detailed the targeting of civilians and the Israeli army's destruction of civilian infrastructure, including homes, wells and a sewage treatment plant.

The report had concluded that the Israel Defence Forces (IDF) "had waged a deliberately disproportionate attack designed to punish, humiliate and terrorise a civilian population, radically diminish its economic capacity both to work and to provide for itself, and to force upon it an ever-increasing sense of dependency and vulnerability". Goldstone, who is Jewish, suddenly distanced himself from the report two years after its publication following intense pressure from Israel and the influential Jewish diaspora. The Jewish community ostracised Goldstone. But the entire world had seen the carnage the IDF inflicted on the hapless residents of Gaza during the three invasions it conducted on the impoverished Gaza Strip. The havoc wrought on Gaza in the 40-day-long conflict in 2014, in which more than 400 Palestinian children were killed, was the worst.

THOMAS COEX/AFP

ISRAELI PRIME MINISTER Benjamin Netanyahu.

BAS CZERWINSKI/AP

PROSECUTOR Fatou Bensouda at the ICC in The Hague, Netherlands.

In the occupied territories, Palestinians have been denied basic human rights, including freedom of movement, health care, housing, education and equality under the law. More than half of Israel's population of nine million has been inoculated against COVID-19, and surplus vaccines are being given away to countries with which Israel wants to cultivate closer ties. Among the recipients of Israeli vaccine largesse are countries such as Hungary and Guatemala. The Israeli authorities are wilfully ignoring the Palestinians in the occupied territories even as the pandemic is raging there. More than 2.5 million Palestinians live in the occupied West Bank and another 2 million in Gaza. Under the fourth Geneva Convention, occupying powers are obligated to ensure the public health of the people under their control.

The ICC will also be looking into alleged crimes the Palestinian Authority (P.A.) committed in the West Bank. The P.A.'s security force, trained by the United States, had in the past imprisoned and mistreated Palestinians opposed to the Oslo peace agreement, under the terms of which the P.A. and Israel had to engage in security cooperation. The ICC will also be investigating the Hamas in Gaza. The ICC has deemed that the firing of rockets and missiles into Israel from Gaza can also come under the ambit of war crimes. After submitting her report to the ICC in 2019, Fatou Bensouda asked it to determine whether it had the jurisdiction to pursue the case. She will be stepping down as ICC chief prosecutor in June and will be succeeded by the British barrister Karim Khan.

The precedent-setting judgment of the ICC shook the Israel government. Prime Minister Benjamin Netanyahu was quick to criticise the ICC's ruling in the strongest terms, describing it as a political move without any legal basis. "Today the court proved once again that it is a political body and not a judicial institution," Netanyahu said in a statement. In a speech delivered later on television, he went to the extent of characterising the court as "an anti-Semitic institution" and vehemently denying that Israel had ever committed war crimes. He claimed that Israel was "a state with a firm democratic regime, which sanctifies the rule of law and is not a member of the court". There are reports that Israel is planning to pass a law that will ban any cooperation with the ICC and is proposing a five-year jail term for any violation of the law. The proposed law will be modelled after the American Service-Members' Protection Act, 2002, which gives the U.S. President wide-ranging powers to protect American citizens, including the use of force, in case the ICC prosecutes them. The U.S.' war crimes far exceed those of Israel or any other country in the last 70 years. Israel fears that the ICC could call hundreds of senior military officials for questioning and try them for war crimes.

Israel's war crimes since its creation have been well documented, not only in the occupied territories but also in neighbouring countries. According to the Israeli newspaper *Haaretz*, the Israeli government has drawn up a list of hundreds of its officials who could potentially be investigated and face trial. *Haaretz* has mentioned the prominent names figuring in the list, including the Prime Minister and the current Defence Minister, Benny Gantz. Palestinian human rights groups want a quick trial of Israeli officials accused of war crimes and say that the "files are already there" on the Israeli officials involved in war crimes. The ICC has stressed that it is an impartial tribunal whose job is to investigate "dangerous" crimes that seriously infringe international law. Israel had launched a vitriolic propaganda campaign against the ICC ever since Palestine was allowed entry into the court. Israel is among the countries that opted not to join the ICC, the other notable ones being the U.S., China, India and Russia. India had participated actively in the drafting of the Rome Statute, which led to the creation of the ICC. The Indian government feared that becoming a full-fledged member could expose it to the ICC's jurisdiction in places such as Kashmir.

After the ICC verdict, Netanyahu wrote to his "great friend" Prime Minister Narendra Modi to solicit support "to stop this assault on justice and common sense". According to reports, India has so far chosen to remain neutral on the issue. Six years ago, after a phone call from Netanyahu to Modi, India abstained from a U.N. Human Rights Council (UNHRC) resolution condemning Israel for violation of international law. The European Union (E.U.) states represented in the council along with Russia and China voted for the resolution criticising Israel for its human rights violations. The Indian External Affairs Ministry claimed at the time that India remained supportive of the Palestinian cause but chose to abstain because "there was a reference to the ICC" in the UNHCR resolution. "India is not a signatory to the Rome Statute," the Indian External Affairs Ministry spokesman had said. Reference to the ICC had not prevented India from voting in favour of U.N. resolutions before that. Before the Modi government came to power, India had voted in favour of all pro-Palestinian resolutions in the U.N.

Netanyahu is claiming that the ICC has no authority to make a ruling as the Palestinians do not have statehood. The court, however, made it clear that its February ruling was not related to the issue of Palestinian statehood. The U.S. too came out in support of its close ally, Israel, on the issue. The U.S. State Department expressed its "serious concerns" about the ICC's decision to investigate Israeli war crimes in the occupied territories. The Trump administration had stopped referring to the West Bank and Gaza as occupied territories and had even imposed sanctions on Fatou Bensouda last year.

On Israel, there has not been any perceptible change in U.S. policy after the exit of President Donald Trump. The Biden administration is however reviewing Trump's sanctions on the ICC prosecutor. Both President Joseph Biden and Vice President Kamala Harris are staunch supporters of Israel. The Biden administration put human rights in the forefront while reassessing ties with Saudi Arabia but is applying a different yardstick with regard to Israel. The U.S. decided to temporarily suspend weapons sales to Saudi Arabia but will continue to give billions of dollars in military aid annually to Israel.

While serving as Deputy National Security Adviser in the Obama administration, Antony Blinken, the new U.S. Secretary of State, boasted on Twitter that the Democrats had "done more for Israel" than any previous administration. During his confirmation hearing, Blinken actually praised the Trump administration's Israel policy, including the shifting of the U.S. embassy from Tel Aviv to Jerusalem, breaking with the international consensus. Blinken told the U.S. Congress that the Biden administration hopes to "build" on the achievements of the Trump administration in West Asia.

Both Biden and Blinken are opposed to the Boycott, Divestment, Sanctions movement that aims to hold Israel to account for its violation of human rights laws in the occupied territories. After the ICC ruling, the U.S. State Department spokesperson said that the U.S. had always taken the position that "the court's jurisdiction should be reserved for countries that consent to it, or that are referred to it by the U.N. Security Council". Besides the U.S., only Canada and Australia have so far openly supported Israel's hard-line stance on the ICC ruling.

PALESTINIAN PRAISE FOR ICC

Palestinian Prime Minister Muhammad Shtayyeh welcomed the ICC decision and described it as a victory for justice and a solace for victims of Israeli war crimes. "The ruling is a message to the perpetrators of crimes, that their crimes will not be subject to the statute of limitations and that they will not go unpunished," he said. Palestinian human rights groups praised the ICC's "landmark" ruling, stating that "it was a critically important step towards ensuring the rule of law" and towards "ending impunity". They called for immediate action by the ICC prosecutor "to ensure justice and accountability" for Palestinian victims. The E.U. has so far taken an independent stance supportive of the ICC, saying that it strongly supported the ICC and its independence. "Both the ICC and its prosecutor are independent and impartial judicial institutions with no political objectives to pursue," the E.U. statement said. In late February, the Palestinians called on the ICC to speed up its investigations on new war crimes that Israel was committing in the occupied territories. Israel has been on a demolition spree in East Jerusalem and the Jordan Valley. The Palestinian Foreign Ministry said that the demolition of Palestinian property in these areas was part of the Israeli plan to annex more Palestinian territory. □

U.S. & SAUDI ARABIA

Alliance compulsions

The Biden administration releases a U.S. intelligence report that spells out Crown Prince **Mohammed bin Salman's role in the brutal killing** of Jamal Khoshoggi, but it is clear that the U.S., for fear of a trusted ally seeking new strategic partners, has only sought partial accountability from the Saudi leadership. BY **JOHN CHERIAN**

IT HAS TAKEN THE UNITED STATES government more than two years to officially acknowledge that the prominent Saudi journalist Jamal Khashoggi was killed on October 2, 2018, on the orders of the Saudi Crown Prince, Mohammed bin Salman (MBS). Within weeks of the killing, the Turkish government provided proof that the Saudi government was responsible for the murder. Agnes Callamard, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, had carried out a thorough investigation of the killing and concluded that it was a "state-sponsored" crime. She had called on the U.S. government to share its findings on the killing with the international community more than two years ago. She said that the public release of a Central Intelligence Agency (CIA)-backed document would make it more difficult for the rest of the world to ignore MBS' personal involvement "in the killing and dismemberment" of Khashoggi.

The U.S. Congress passed a law in late 2019 ordering the then U.S. intelligence chief to submit to lawmakers the unclassified intelligence report outlining the "advance knowledge and role" of any Saudi official in "the directing, ordering or tampering of evidence in the killing of Khashoggi". The Donald Trump administration chose to ignore the legally binding request from Congress, arguing that such a move would compromise the intelligence-gathering capabilities of U.S. security services.

The Joe Biden administration did not stand in the way of the report being released, bowing to the will of the bipartisan majority in Congress, and on February 26, Avril Haines, the new Director of National Intelligence, released the four-page report. It reconfirms the findings of Turkish investigating agencies that a team of Saudi agents specially dispatched for the purpose killed Khashoggi in the Saudi consulate in Istanbul in 2018. MBS and the Saudi government have continued to vehemently deny any official role in the killing, saying that rogue elements of the kingdom's security forces were the only ones responsible for it. "The crime was committed by a group of individuals who have transgressed all pertinent regulations and authorisation of the authorities of the agencies where they were employed," a statement from the Saudi Foreign Ministry said.

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JAMAL KHASHOGGI speaking at an event hosted by Middle East Monitor in London on September 29, 2018.

The U.S. government report states that the killer squad sent to Istanbul reported directly to MBS and concludes that it had acted on his orders. The report does not go into the horrific details of the torture that Khashoggi had to endure at the hands of the Saudi agents. After he was beaten and strangled, his body was cut into parts with a chainsaw. The Turkish authorities had provided the CIA with graphic tapes soon after the incident.

Much of the evidence authenticating the involvement of MBS in the killing remains classified. However, it is the first time that the U.S. government has officially stated that the Crown Prince was responsible for the killing of Khashoggi. "We assess that Saudi Arabia's Crown Prince Mohammed bin Salman approved an operation in Istanbul, Turkey to capture or kill Saudi journalist Jamal Khashoggi," says the report. It reveals some previously undisclosed details about the Crown Prince's absolute control over the kingdom's security apparatus and says that "[t]he Crown Prince viewed Khashoggi as a threat to the Kingdom and broadly supported using violent means if necessary to eliminate him". According to the report, MBS "probably fostered an environment" in which his associates feared that any failure to carry out his orders could lead to their arrests. "This suggests that the aides were unlikely to question Mohammed bin Salman's orders or undertake sensitive action without his consent," the report says.

The report goes on to say that the hit squad and those involved in its planning were acting under the supervision of Saud al-Qahtani, a close adviser and friend of MBS. He was previously Saudi Arabia's media czar. He had on an earlier occasion said that he never took any decision without the prior approval of the Crown Prince. The report also states that seven of those involved in the Khashoggi killing belong to the elite Rapid Intervention Force (RIF), which has played an important role in suppressing dissent and arresting the opponents of the Crown Prince. The RIF was created on the orders of MBS. "[M]embers of the RIF would not have participated in the operation against Khashoggi without Mohammad bin Salman's approval," the report says.

TRUMP PROTECTED THE CROWN PRINCE

The release of the report is being viewed as a public rebuke by the U.S. to the de facto ruler of the kingdom. Before the report was released, President Joseph Biden had announced that he would only communicate with King Salman, the ageing Saudi ruler, on official matters. The previous administration used to only deal with the Crown Prince, who has been running the Saudi government since becoming the heir apparent. However, there is no ban on senior officials from the Biden administration speaking to the Crown Prince.

The Trump administration had bent over backwards to protect the Crown Prince from the repercussions of the heinous crime. A smiling Secretary of State Mike Pompeo visited the Saudi capital, Riyadh, after the Khashoggi murder, where he was shown exchanging pleasantries with the Crown Prince. Trump did not waste any time in giving MBS the benefit of the doubt. It is unlikely the U.S. intelligence report would have ever seen the light of the day if Trump had won a second term. The first country Trump visited after winning the presidency was Saudi Arabia. Arms deals, which Trump had claimed were worth more than $110 billion, were signed. His administration gave Saudi Arabia the green signal to continue the brutal war it is waging in Yemen.

2018-10-02 13:14:36
Cèmil KAŞIKÇ
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CCTV/HURRIYET/AP

THIS IMAGE taken from CCTV video shows Khashoggi entering the Saudi consulate in Istanbul on October 2, 2018, the day he was killed there.

CEMAL YURTTAS/DHA/AP

U.N. SPECIAL RAPPORTEUR Agnes Callamard outside the Saudi consulate in Istanbul on January 29, 2019. She and her team of experts spent a week in Turkey investigating the murder.

The Trump administration may have used the evidence it had accumulated against the Crown Prince to arm-twist the Saudi government into adopting a favourable diplomatic stance on Israel and confine the Palestinian cause to the back burner. The Saudi government had encouraged its close allies such as Bahrain and the United Arab Emirates to go ahead and formalise diplomatic relations with Israel, which happened through agreements called the Abraham Accords, even though Saudi Arabia itself is not a signatory to them.

Saudi Arabia and Israel were openly wishing for a second term for the Trump administration, united as they are in their hostility towards Iran. The two countries are against the resumption of the U.S.-Iran nuclear deal. Just before demitting office, the Trump administration signed two major defence deals worth $750 million with the Saudis involving the sale of precision guided munitions. The Biden administration suspended the deal immediately after taking over but has not cancelled it. The other big U.S.-Saudi military deals remain unaffected by the latest developments.

While on the campaign trail, Biden had strongly criticised Saudi Arabia, going to the extent of describing it as "a pariah state" with no "redeeming social values". He was also disparaging of the Trump administration's policies towards the kingdom, particularly on the Khashoggi issue, which had become a "cause celebre" with the liberal intelligentsia in the U.S. Khashoggi was a columnist with *The Washington Post* and was a legal U.S. resident closely connected with U.S. think tanks. "You don't bring bone saws to fights," candidate Biden had said. "It is embarrassing but it is also dangerous."

BIDEN'S CAUTIOUS APPROACH

But after taking office, Biden was advised by his close foreign policy and national security advisers to take a more cautious stance on the Khashoggi issue. The President's national security team advised him against issuing a travel ban or filing criminal charges against MBS as his administration had originally contemplated. There was a fear that a key ally in the region would be alienated. The U.S. security establishment wants Saudi cooperation in its confrontation with Iran. The kingdom also hosts U.S. soldiers on its soil. "The relationship with Saudi Arabia is bigger than any individual," U.S. Secretary of State Antony Blinken told the media.

Twenty-four hours before the report was released, Biden had a telephonic conversation with King Salman. According to the U.S. State Department, Biden told the Saudi King that he would work to make the relationship between the two countries "as strong and transparent as possible". The Biden administration then announced sanctions against Saudi officials linked to the Khashoggi killing, including the former Saudi chief of intelligence and members of the paramilitary unit that went to Istanbul. The U.S. State Department also announced visa restrictions on 76 Saudi officials involved in human rights violations and suppression of the media. Blinken said that similar visa bans would be imposed on officials from many other countries that have put restrictions on the media and put the lives of journalists at risk. The media is under severe restrictions in countries such as Egypt, another U.S. ally, but there is very little criticism in Washington.

COURTESY OF SAUDI ROYAL COURT/REUTERS

SAUDI CROWN PRINCE Mohammed bin Salman.

JOSHUA ROBERTS/REUTERS

U.S. PRESIDENT Joe Biden.

Many high-profile Biden supporters have expressed their disappointment over the steps taken by the Biden administration. They are of the view that tougher U.S. sanctions should have been imposed on Saudi Arabia and point out that U.S. law bars the export of military hardware to security units involved in gross human rights abuses. MBS also serves as Saudi Arabia's Defence Minister. At the same time, many analysts admit that it has been a long time since Washington has sent such a strong message to the House of Saud. The message is loud and clear: the U.S. and the West are not comfortable with the idea of the 35-year-old Crown Prince succeeding his father and being on the throne for a long period of time.

The royal family itself is split on the issue of MBS succeeding his father as events in the last couple of years have revealed. It will be difficult for him to accede to the throne without U.S. acquiescence. Trump will be no longer around to play the role of the godfather to the young Crown Prince. The International Criminal Court and other international agencies will no doubt in the near future investigate the Khashoggi murder and the war crimes the Saudi-led military alliance has committed in Yemen. Yemen is experiencing one of the worst humanitarian catastrophes the world has seen. More than a hundred thousand Yemenis have perished as a result of the war MBS instigated more than six years ago. The Biden administration has ended its support for the Saudi-led war and removed the terror tag the Trump administration had imposed on the rebel Houthi movement. The Houthis are in control of the capital, Sanaa, and much of the country.

Ron Wyden, the Democratic Senator who played a key role in getting the intelligence report declassified and released, said that the U.S. was sending a strong message to the Saudis that "lawlessness won't stand". He added that, however, more needed to be done "to ensure that the Saudi government follows international laws". He called for more stringent sanctions to be imposed on the Crown Prince, including financial and travel restrictions.

It is clear that the Biden administration has only sought partial accountability from the Saudi leadership for the Khashoggi murder. The fear in Washington is that if the Saudis are pushed too hard, they may seek new strategic partners. MBS has a good working relationship with both Russia and China, both of which coordinate their moves to control the energy market. The U.S. allies the United Kingdom and France will be more than willing to step into the breach if the U.S. imposes a total arms embargo on the kingdom. And the Saudi leadership knows that if the Republicans come back to power, MBS will no longer be persona non grata. □

GAME OF PROSECUTION

The present dispensation uses prosecution as a tool to silence critics and opponents in a way that makes the legal process a punishment in itself.

BY **A.G. NOORANI**

JULIO RIBEIRO, a prince among police officers of the highest rank, notable alike for his high integrity and superb efficiency, rendered a great service by bringing home to the Indian reader the allegations of manipulating and planting in the Bhima Koregaon case. He had heard Mark Spencer, head honcho of Arsenal Consulting, a private digital forensics company. Ribeiro had heard Spencer on an Indian national TV channel "certifying that the police in India had been taken for a ride by an extremely clever hacker". His article in *The Indian Express* on February 22 is entitled "The truth is out there" under the sub-heading "Allegations of manipulating and planting evidence in Bhima Koregaon case must be investigated. Integrity of police investigations is at stake". Thanks to the findings recorded by Arsenal Consulting. *The Washington Post* reported Arsenal's findings.

Ribeiro wrote: "The evidence against the activists was based on the retrieval from their computers of incriminating correspondence that linked them with the banned Maoists' outfit. There were 10 letters found on the computer of the Delhi-based activist, Rona Wilson. Those disputed letters were addressed to the Hyderabad poet-activist Varavara Rao and others now under arrest.

"It is obvious that Wilson was surprised by the presence of such letters on his computer. Suspecting that the long arm of the government would not ensure a true and fair finding in the country of his birth, Wilson's lawyer used the good offices of a human rights body in the U.S. to refer the pen drive given to him by the prosecution as evidence to be used in court (mandatory as per criminal procedure laws) to a highly-respected private company, Arsenal Consulting, which undertook the examination pro-bono. *The Washington Post* was given a copy of the company's findings. It checked with three other leading digital forensics experts. Each separately examined the pen drive and confirmed the findings.

"I heard Spencer on TV. He came across as a seasoned professional and stated that he had never encountered such bold and clever manipulation. The 10 impugned letters, he said, had been inserted through malware into Wilson's computer over a period of two years between the time the laptop was first compromised and the moment the attacker delivered the last incriminating document in a hidden folder...

"The mention of a plan to kill the PM was the initial cause of my own suspicions. To involve as many as 15 disparate individuals from different parts of the country in such a diabolical plan appeared incredulous. The degree of danger to the plan unravelling if so many persons were involved was way beyond the limits of safety and the secrecy required for the plan to succeed. Another cause for my suspicion was the arrest six months ago of a Jesuit priest, Stan Swamy, by the NIA [National Investigation Agency]. To accuse a Jesuit of siding with Maoists and their violent proclivities stretched the limits of my credu-

VIJAY SONEJI

JULIO RIBEIRO at the launch of his autobiography in December 2015. He has pointed out that the charges in the Bhima Koregaon case stretch the limits of credulity.

PTI

DISHA RAVI, a young climate activist arrested for sharing a "toolkit" on social media, was granted bail by a Delhi court on February 23.

lity. The Jesuits take a vow of obedience to their superiors before ordination as priests. And church doctrine is diametrically opposed to Maoist ideology as far as the use of violence to achieve objectives is concerned. Swamy would be risking expulsion from the Jesuit order if he disobeyed church diktats. And he certainly did not fit the bill of a rebel. This is a fit case where the courts should intervene to ensure justice."

BHIWANDI RIOTS

The question is who were the sponsors of that man who perpetrated the diabolical plan. But this is far less important than the question who employed and paid him to do the dirty work. This is by no means unprecedented. The D.P. Madon Commission of Inquiry into the Bhiwandi riots of May 1970 exposed a sordid conspiracy to put Muslims of the city on trial on false charges based on concocted evidence. It was at the last stage of the commission's hearings that a police officer blurted out the hitherto secret of the trial proceedings. The case was withdrawn.

In all the 73 years of India's independence, have you ever seen such a swarm of first information reports (FIRs) or such a plague of prosecutions? On February 23, 2021, Additional Sessions Court judge Dharmender Rana made justifiably scathing remarks while granting bail to 22-year-old Disha Ravi. NDTV's anchor Sonia Singh pointedly remarked on the courage shown by "lower" courts. She was playing safe. She wanted clearly to express a wish that the Supreme Court had been as protective of the citizen's rights.

One has heard a lot of "tool kits" after news of the one by the Swedish activist Greta Thunberg. Disha Ravi had to spend 11 days in jail (February 13 to February 23) on "scanty and sketchy evidence available on record", as the judge found. What does it speak for a police force which files the FIRs it does? What does it say of Public Prosecutors who allow cases on such FIRs to go on trial and defend them there? In India all such—from the Attorney General of India to the public prosecutor in a district—enjoy full protection. You cannot sue them in a civil court for damages or prosecute them in a criminal court because you need the prior sanction of their employer—the Central or the State government. In Canada one Attorney General had personally to suffer because of a false prosecution.

In India, five judges of the Supreme Court unanimously upheld the charge of sedition on a Communist. It did not require much legal learning or understanding for them to appreciate that if the framers of the Constitution of India consciously removed "sedition" from the Constitution, its survival in Section 124A of the Penal Code lost all legal force. What is one to say of the mentality of judges and lawyers who have kept on singing "Kedar Nath Singh" since 1958 when the Supreme court upheld sedition *without* a glance at the Constituent Assembly debates?

ATTORNEY GENERAL'S ROLE

There are questions of fundamental importance which, as a former Attorney General, Sir John Simon, pointed out in stark terms, every prosecutor must bear in mind.

RONA WILSON. Investigations by Arsenal Consulting show the charges against him are based on evidence that was planted in his computer.

He said in the House of Commons on December 1, 1925: "There is no greater nonsense talked about the Attorney-General's duty than the suggestion that in all cases the Attorney-General ought to prosecute merely because he thinks there is what lawyers call 'a case'. It is not true, and no one who has held that office supposes that it is.

"I understand the duty of the Attorney-General to be this. He should absolutely decline to receive orders from the Prime Minister, or Cabinet or anybody else that he shall prosecute. His first duty is to see that no one is prosecuted with all the majesty of the law unless the Attorney-General, as head of the Bar, is satisfied that a case for prosecution lies against him. He should receive orders from nobody. But that is very different from saying that the Attorney-General ought in all cases to ask nobody else's view, because he thinks there is a case to institute a prosecution without finding out what his colleagues or the government think. That is a ridiculous proposition. I should regard him ... as a fool if he were to start on his own motion prosecutions which involve grave matters of public concern—treason, sedition, corruption and the like ... if he did such a thing without knowing that, in the view of his colleagues, public policy was not offended by undertaking such prosecution."

A similar view was expressed by the Attorney-General Sir Hartley Shawcross in the House of Commons on January 29, 1951. He said: "It has never been the rule in this country... that suspected criminal offences must automatically be the subject of prosecution. Indeed, the very first regulations under which the Director of Public Prosecutions worked provided that he should intervene to prosecute, amongst other cases: 'wherever it appears that the offence or the circumstances of its commission is or are of such a character that a prosecution in respect thereof is required in the public interest. This is still the dominant consideration.... Sometimes, of course, the considerations may be wider still. Prosecution may involve a question of public policy or national, *or sometimes international, concern*; but in cases like that, the Attorney-General has to make up his mind not as a party politician; he must in a quasi-judicial way consider the effect of prosecution upon the administration of law and of government in the abstract rather than in any party sense." In one case, prosecution of a princess was abandoned because of its repercussions on relations with the state to which she belonged.

THE HINDU ARCHIVES

STAN SWAMY, the Jesuit priest who has been arrested by the National Investigation Agency allegedly for harbouring links with Maoists.

No government with a drop of democratic liberal blood in its veins would launch the kind of prosecution that governments in India have freely launched. Jane Borges of *Sunday Mid-Day* has compiled painstakingly a catalogue of the cases (pages 16-18, February 21, 2021).

Tool kits are convenient weapons of oppression in the hands of illiterates. During the freedom movement leaders of all parties received loads of advice from foreign supporters. Gene Sharp has institutionalised this flow of advice (see this writer's article "Protest movement" in *Frontline*, July 29, 2011).

Unlike in the United States, the United Kingdom and the democratic countries of Europe, the public prosecutor in India works under the thumb of the States. (Section 24 of the Code of Criminal Procedure 1973). Maharashtra *deleted* the words "after consultation with the High Court". Section 25-A inserted in 2005 empowers States to appoint a Directorate of Prosecution comprising a Director and his Deputy. The Director is "under the administrative control of the Head of the Home Department". Public prosecutors work under this Directorate. The scheme is clear. The Public prosecutor is under the Director who in turn is under the Home Ministry

This is of colonial vintage. The English had another system for years. Neither the Attorney-General nor the Director of Prosecutions can be dictated to by the politicians in power. One Attorney-General, Sir Patrick Hastings, one of the most brilliant of his generation, had to resign as Attorney-General in the first Labour government on the issue of withdrawal of prosecution in the Campbell Case in 1924.

There is, however, a wider question which is totally ignored in India. What are the factors the prosecutors can legitimately consider? In Britain, the two expressions "party political" and "political" mean differently. The former means political party interest as we in India know it. The other is a prosecution for "the interests of the state". The Narendra Modi regime's prosecutions are for intimidation of critics and political opponents. □

The other side of truth

The sequel to *Drishyam* in many ways encapsulates the post-truth world we live in, where everything is in flux, and competing versions of 'truth' vie for public attention, inflame collective opinion and even set the political agenda. BY **C.S. VENKITESWARAN**

THE HINDU ARCHIVES

A STILL from "Drishyam 2: The Resumption" featuring Esther Anil, Meena, Ansiba and Mohanlal. A nail-biting thriller, the movie raises questions about crime and punishment, sin and guilt, repentance and redemption.

THE timing and mode of release of *Drishyam 2: The Resumption* could not have been more perfect. The pandemic-imposed social distancing norms, the paranoia about contact with strangers, and compulsory family seclusion provided the perfect setting for a film about a similar state of mind. It is about a family that is distanced socially, paranoid about strangers and for whom any contact with the outside world can turn fatal. Providing the larger setting is a social system where only influence and money matter, community relations are more about utility than bonding, and neighbourhood ethos is more of gossip than care. So, bypassing the social space of theatres and reaching out to home screens directly through OTT (over-the-top) release vibes well with the film's theme too.

The film is about a family, hunted by the system, evading its clutches. With a crime to hide, everyday life in the family has been on edge for years. To incriminate them in what was an impulsive act of self-defence, the entire police machinery works overtime; it snoops, scares, conspires and uses mental and physical pressure to trap the family. What other option does the family have but to turn the rules of the game set by the opponent against itself? Georgekutty, the protagonist (played by Mohanlal), does that with great elan and skill, which is also why the viewers are all on his side rather than the system.

If *Drishyam 1* was a family drama of crime, the sequel is primarily a crime thriller where the family takes on the whole system, society and the world. It is not the usual investigation thriller that progresses by tracing evidences, unravelling the plot and cornering the villain in the climax. Rather, it is a crime story in reverse; everyone—the police, the people and the aggrieved—knows who the murderer is; here, the whole effort is to find the evidence to link him to the act.

In the prequel, Georgekutty fools the system by fabricating evidence, recreating the day of the crime and manipulating the witnesses. That he could bury the body—the clinching evidence—in the most unlikely of places is what protects him from the arms of the law. But he is fully aware that the remains could be found any day. So, as the police is hell-bent on finding it, his life-mission is to divert and confuse them. It is one man's and his family's fight against the world, with no public sympathy or political cover to help them. He foresees all the possible scenarios, scripts them in detail, and also keeps a constant watch on his tormentors. He is fully aware that it is a long-drawn-out struggle where anything can happen, and anybody could be an informer. His entire life is a nightmare that shrinks into a constant replay of potential events that the finding of the remains could trigger. It may or may not happen; it may happen now, later or never, but he has to be prepared and ready.

It is this one-track mind that saves him at the end and keeps him one step ahead of the system. But the price he pays for it is his happiness and the future of his wife and children. They live in the shadow of danger, religiously following his script they have rehearsed *ad nauseum*. Without a moment of ease or self-abandonment, it is a life lived in perpetual fear.

THE LONG SHADOW OF CRIME

Drishyam narrates the tussle between two crimes (Varun's attempted sexual assault followed by his murder), two systems (institution of the family and the legal system), and two families (that of Georgekutty and Geetha Prabhakar, ex police chief and Varun's mother). At the end of *Drishyam 1*, when Varun's father pleads with Georgekutty to reveal the truth about his son, the latter gives him an enigmatic but definitive reply: "My family is my world, I haven't dreamt of a world beyond that. An uninvited guest intruded into our private world, who was capable of destroying it. He didn't heed our pleas, and in a moment of panic, we sent that guest back, making sure that he would never return to ruin our life."

Although Varun's parents retreat from the scene, they come back more viciously in the sequel to take revenge and settle scores. Everything 'legal' and 'systemic' is in their favour; they have the police force, administrative system and legal institutions to work for them. At the other end, Georgekutty is all alone in this never-ending, nerve-racking battle. The systemic bias is evident from the fact that there is not even a passing mention, leave alone admission of guilt, about Varun's attempted sexual assault that eventually led to his murder. Even in the informal discussion between the judge and the Inspector General at the end of the movie, the concern is more about the lack of systemic support for the police force to punish such killers. Evidently, it is a "law and order" world where justice is of no consequence, and the powerful and influential can have their way. Georgekutty, who is at the receiving end, is bound to be its dark other. It is this utter insularity and deliberate disconnect from any form of reciprocity or sociality that closes any possibility of repentance, redemption or transformation. It is nothing but endless resumption of fear and revenge.

TWO MURDERERS

Georgekutty and Jose George, both from the same village, are party to a crime on the same day, but the trajectories of their life after the crime follow opposite directions. *Drishyam 2* begins with a flashback from that fateful night: Jose, running away after murdering his brother-in-law, happens to see Georgekutty at the construction site of the police station. They are both fugitives from law and party to inadvertent murders. Both run away from its consequences: Jose is caught

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MURALI GOPY, Siddique and Asha Sharath in a scene from "Drishyam 2". The film ends up as a morbid game between the aggrieved family and police hounds.

the same night, is convicted and jailed. The other smartly evades conviction. For both of them family is supreme: Georgekutty will go any extent to protect his family, and Jose, though shunned by his family after release from jail, is desperate to win it back and is ready to do anything for that. Finally, it is Jose who proves to be Georgekutty's nemesis: it is his testimony that leads the police to where the body is buried and reopen the case.

What are these parallel stories doing in *Drishyam*? Is Jose, who is caught and punished, the counterpoint to Georgekutty, who evades and eludes capture? Does Jose's fate—his arrest, conviction and miserable life thereafter—point to the trajectory that Georgekutty's life would have taken if he was/is caught? Maybe. But when it comes to family rules, the lessons are stark and clear: Georgekutty succeeds in protecting his family, while Jose wrecks it by getting caught in the net of law. While Georgekutty owns up his daughter's crime, Jose's wife rejects him. Jose kills an insider and a member of the family, while Varun is an intruder into the family.

GENDERED TERMS

The difference is also gendered: in the case of Jose, the crime is committed by him, a man. But in Georgekutty's case it is committed by a woman, his daughter, and hence it is to be hidden and erased from personal memory and public visibility. Jose's crime, though done in a fit of rage, breaks his family forever, while in the case of Anju (the daughter), it unites and binds the family even more closely. As the family is the be-all and end-all of life and the world in the film, the punishment for breaking family rules or not standing up for it is always harsh.

At the centre of morality and law of the family are women and their chastity. They have to be constantly protected from the outside world. All the women in the film lean on their men or are damaged internally. Rani (the wife) is scared, insecure and nervous and proves to be vulnerable by spilling secrets. Anju, the murderer, is now paranoid and epileptic and needs constant care. Anu, the younger sister, too, is scared but careless and almost falls into her classmate's trap.

On the other side, Geetha Prabhakar is the revengeful mother, who is ready to go to any extent to punish Georgekutty's family. She does not even hesitate to harass the epileptic Anju or to torture a minor to wreak vengeance. Only men are capable of keeping their cool, of being conscientious and taking control of things. Many a time, Prabhakar has pangs of guilt and cautions his wife about crossing limits, but at no point does Geetha have any qualms about her act or feelings of remorse about her son being a stalker.

Thomas Bastian, the police chief who now investigates the case, considers it a war, which he refuses to lose. Women are in need of protection, control, guidance, approval and monitoring. To ensure the safety (and honour) of the family, women have to be insulated from the world. If at all they venture out of the family or mix with the outside world, it leads to trouble.

It is Anju's nature club trip that brings her into contact with Varun. In the sequel, Georgekutty cleverly arranges the sleepover of Anu and her friends at his own home. But even then, Anu almost falls into the trap laid by the police through her classmate, who tries to trick her to reveal the secret by pretending to do a short film. In the case of Rani, the only friendship that she develops, with her neighbour Saritha, proves to be treacherous and fatal. The women in the family are not even allowed to own up or take the agency even for the crime they have committed themselves. Instead, Georgekutty rescripts the whole thing to take all the blame and erases

> The film is averse to probing any moral issues or ethical conflicts, either at the individual or social/systemic levels.

all traces of their involvement in it. In stark contrast to the women, all the contacts that Georgekutty makes with the world are deliberate, all his moves are planned and scripted. He scripts the family's future and any digression from his script is dangerous and fatal.

As it progresses, the film turns into a mind game between two men—Georgekutty and Thomas Bastian—who mastermind every move. If Georgekutty takes upon himself the crime of the women in his family, Bastian takes over the investigation from his female colleague and vows to take revenge on her behalf. In this manly world, women constitute risk (of being enticed by men and the outside world), weakness (of spilling secrets), failure (to succeed in one's professional life), moral turpitude (bending and breaking rules), and even treachery (more than Sabu, it is Saritha who betrays her trusting neighbour). Women hide, snoop, abuse, rave, rant, murder and spill, while men cover, control, direct and script events.

FROM CABLE TELEVISION TO CINEMA AND CCTV VISION

The title of the film means 'visual' or what is visible: in the film, it extends to what is seen and also what can be made visible (evidence) and registered in one's mind (memory). Both films employ, produce, manipulate and record different kinds of visuals and modes of visualising. In the prequel, Georgekutty is more dependent on and involved with his cable television channel (Rani Vision). An avid and compulsive film-viewer, he draws inspiration from movies to find ways to cover up the murder and escape the police net.

When it comes to the sequel, he has moved forward in the register of visuals and its technologies. If he dreamt of buying a theatre earlier, in the sequel he already owns a movie hall (also named Rani). He also has CCTV cameras in his channel TV office to monitor the outside world. Apart from publishing a novel titled 'Drishyam', he is busy scripting a film based on it, which he plans to direct. It eventually turns out to be the script of what happens in reality. So, from being a victim of vision and visual evidences, Georgekutty becomes a producer and surveyor of images. He looks out and looks ahead in time; his cameras are pointed towards the police station to monitor the moves of the outside world.

Obviously, he is one step ahead of the system, which can only capture sound by bugging his house, and employ shadow police as neighbours. While the police listen and follow, Georgekutty looks and watches. While the police probe into the past and present, he scripts the future. If he used available visuals and fabricated memories and tutored witnesses in the prequel to evade the system, in *Drishyam 2* he scripts reality, produces and monitors images, and manufactures experiences and accomplices.

TROUBLING QUESTIONS

Apart from being a nail-biting thriller, *Drishyam 2* raises troubling questions about crime and punishment, sin and guilt, repentance and redemption. What is the punishment equal to a crime? Who decides and administers it? Legal thinkers make a distinction between sin and crime, though both are always considered reprehensible. If sin is a breach of moral law, crime is a violation of the written law.

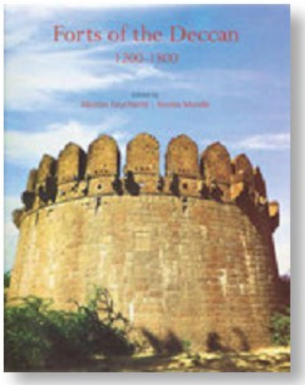
In Georgekutty's case, he draws his inner strength and moral courage from the conviction that what he and his family committed maybe a crime, but not a sin. What they did was not a deliberate act, but an act of self-defence against a violent intruder into their private world. So, he may be guilty in court but not before his conscience. Georgekutty himself admits that his family is subjected to a lifelong punishment of living in constant fear. So, should they be punished? If so, how, of what kind and for how long? And is punishment meant to reform criminals, assuage the aggrieved or to warn society at large?

The film is averse to probing any such moral issues and ethical conflicts, either at the individual or social/systemic levels. Failing to explore or express any kind of personal-transformative or social-redemptive dimensions, the film ends up as a morbid game between the aggrieved family and police hounds. There is not even an iota of doubt, a moment of rethink, or space for self-reflection. No one bothers to go back to the cause, circumstances and nature of the crime, nor are questions of justice ever raised. Nothing is proven—we only have Georgekutty's version of what happened—and no one is brought to book or punished. In such a scenario, it is all about vengefulness and survival, traps and escapades, and endless processes of mutual surveillance and suspicion. As the judge remarks, there is no dearth of unsolved cases, and Georgekutty's can easily be yet another.

This non-closure in many ways encapsulates the post-truth world we live in, where everything is in flux, and competing versions of 'truth' vie for public attention, inflame collective opinion and even set the political agenda. In such a post-moral world, everything is permitted: snooping into people's homes, abusing minors, and also burying evidence and fabricating accomplices. The whole world shrinks into the confines of the four walls of home: and it is family and familial love above law and social justice, survival and revenge above life and redemption, and most crucially and definitively, man above woman. □

The Deccan's defences

The volume enhances the understanding of the forts of medieval Deccan and, concomitantly, the history of the region. BY **VIKHAR AHMED SAYEED**



Forts of the Deccan 1200-1800

By Nicolas Faucherre and Nicolas Morelle (Eds)

Aryan Books International, New Delhi, 2020

Pages: xiv + 227
Price: Rs.2,800

THERE has been a surge in historical research on various aspects of medieval Deccan in the past few years. *Forts of the Deccan: 1200-1800,* is a welcome addition to this corpus of literature. The book brings out different facets of fortifications in the Deccan through a collection of articles by archaeologists, architects, historians and art historians. The contributors include eminent experts on the subject such as Jean Deloche, George Michell, Helen Philon and Barry Lewis as well as lesser-known researchers.

Any traveller to the historical towns of the Deccan, a region that covers northern Karnataka, southern Maharashtra and Telangana, could not have missed the massive forts that give a distinct character to these places. While many of these forts have been studied by historians in the past decades both as specialised investigation projects and as part of broader surveys, Nicolas Faucherre and Nicolas Morelle, the editors of the volume, have brought together diverse and new explorations in the field and enriched this rather narrow area of historical research. In this pioneering effort, apart from focussing on well-known fortifications such as those in Daulatabad, Hampi, Bidar and Bijapur (now Vijayapura), they have turned the spotlight on fortifications in Torgal, Chitradurga and Naldurg in the hinterland of the Deccan.

Each essay is accompanied by photographs, providing a visual aid to the surveys. Architectural plans of the fortificaitons and generous line drawings serve to explain the technical aspects of the constructions.

What is the necessity for studying forts? The editors give an explanation in the introduction: "The fortification is often built by or for the ruler, so it reflects the nature and culture of the local (or foreign) power reigning over a territory through its style, inscriptions or the function of the defensive elements (use of archery, artillery). It tells us a part of the political history and the relationship between power and territory…. Thus, the arrival of the Muslim population has brought many defensive elements sometimes unknown in the pre-Muslim Deccan."

It is fitting that the first essay in the volume is by Jean Deloche (the volume is dedicated to his memory), who through publications such as *Four Forts of the Deccan* (2009), gave an impetus to the study of castellology in south India. In his essay, Deloche asks how water harvesting was done in the "hill forts of the peninsular plateau" and attempts to answer how these forts had perennial access to water.

In his essay, Tejas Garge, an archaeologist with the Archaeological Survey of India, surveys the fortifications and about 270 cannons at the fort of Daulatabad. In the introduction to the survey, the author first recounts the history of the fort and then documents the bronze, wrought iron and cast-iron cannons, providing an insight into the "development of firearm technology from the 15th to the 18th century in the Deccan as well as the Indian subcontinent". Garge observes that there was a "well-developed technology of gunpowder and cannons which had its roots probably in the 14th century, introduced by the Bahmanis in the Deccan." In his essay on Daulatabad, Nicolas Simon, a French archaeologist, outlines the evolution of the city by focussing on "the stones used to build the fortifications".

WARANGAL'S LAYOUT

George Michell, who has done an extensive study of the architecture of medieval Deccan focusses on Warangal, where the Kakatiya kingdom was superseded by the Bahmani Sultans in the 14th century. His detailed study of the layout, fortifications and gateways of the Warangal fort points to a "conscious act of planning based on a well-established tradition". Warangal's layout influenced the layout of Hyderabad, the later Sultanate capital, and also the emergence of Islamic urban contexts from their dialogue with Hindu architectural ideas in the Dec-

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THE RAICHUR fort built by the Kakatiyas of Warangal in the 13th century. Vijayanagar emperor Krishnadevaraya captured the fort in A.D. 1520 from Adil Shah of Bijapur.

can, Michell argues.

Robert Brubaker's study of the fortifications at Vijayanagar draws the attention of the reader to a dominant feature of medieval Deccan, which was the recurring rivalry between the Vijayanagar Empire and the Bahmani Sultanate and, after its implosion at the end of the 15th century, its legatee Sultanates. This continued until 1565 when Vijayanagar was comprehensively defeated at the Battle of Talikota. While political, cultural and architectural historians have written about the varying facets of the encounters between the two rival states, Brubaker traces the timeline of fortifications constructed in Vijayanagar (the capital of the Vijayanagar Empire) for over two centuries, to provide another explanation for the defeat of the Vijayanagar kingdom at the hands of the Deccan Sultanates. During the 14th and 15th centuries, there was an emphasis on fortifications at Vijayanagar. This gradually tapered off by the beginning of the 16th century when the empire, "reflecting a new sense of security", shifted "resources by the elite from the construction of fortifications to the establishment of even more numerous, larger and more elaborate shrines and temple complexes".

Helen Philon has examined the site of Bidar, the Bahmani capital. She uses a broad range of historical and archaeological sources to argue that "the scanty evidence we have from the architectural remains appear to reflect the city's troubled socio-political history and provides grounds to suggest that it was fragmented along ethnic identities and their associated Sufi affiliations". Bidar became the Bahmani capital after Ahmed Shah Bahmani shifted his capital from Gulbarga (now Kalaburagi) in the 1420s. By the close of the century, the Bahmani Sultanate was in its death throes because of the rivalry between the "foreign" and "native" components of its nobility. Helen Philon *reads* this relationship in Bidar, offering a fascinating insight into the last days of the Bahmani Empire, but she confesses that she is unable to answer an important question "regarding the whereabouts of the local Hindu majority in this apartheid metropolis".

In the most exhaustive essay of the volume, Ameen Hullur, whose research is supplemented by photographs and drawings by Kushal Kumar Kamble, provides a comprehensive survey of the fortifications in Bijapur. He ventures to look at the vestiges of fortifications in the nearby areas of Shahpur and Nauraspur.

One tendentious argument that stands out is the symbolism of the number '108' as manifested in the fortifications: for instance, the wall of the Bijapur fort has 108 towers. "The number is sacred to Hindus and especially to Lingayats living in the Deccan who use a 108 *rudraksha* beaded lace for meditation," Hullur writes, linking this aspect of Hinduism to Ibrahim Adil Shah II (r. 1571-1627), the ruler of Bijapur who was renowned for his syncretic world view.

The American anthropologist Barry Lewis, who has spent many years researching the principality of Chitradurga, has contributed an essay on the fort at Chitradurga, which is a lesser-known architectural marvel. Lewis traces the "fort's development and organisation in relation to the rise and fall of its rulers from the sixteenth century to the early nineteenth century". He observes that "the Nayakas created most of what is now regarded as Chitradurga Fort, the Mysore rulers extensively renovated it, and the British simply used it".

Nicolas Morelle has contributed two essays in which he talks about the forts of Torgal and Naldurg, which were located on the peripheries of the Sultanates. About Torgal, Morelle concludes that the fortifications "are proof of the evolution of Deccan fortifications from the 12th to the 18th centuries. Through well-preserved fortifications at the site, the diversity in defence is clearly visible showing the context of medieval and modern warfare in India." Naldurg was a great border fort, and Morelle's study shows that the fort adapted to the increasing use of artillery.

While the essays enrich one's understanding of the forts of medieval Deccan and, concomitantly, the history of medieval Deccan, more attention could have been paid to the quality of writing. The editors could have checked the manuscript for minor errors in grammar and style. While these peccadillos do not detract from the rigour of the research in any way, a little effort on this aspect would have certainly added to the overall quality of the book.

The editors, both French academics, state in their introduction: "France has long been an enthusiastic contributor to the field of Indian studies and castellology.... The underlying goal behind this work is to stimulate research on Indian fortifications through collaboration with researchers, universities, institutions and the Government of India." While part of this mandate has already been served through this volume, historians in India will certainly welcome similar valuable investigations in the future. □

‘Structurally, we have already arrived at a Hindu Rashtra’

Interview with Aakar Patel, author of *Our Hindu Rashtra*.

BY **ZIYA US SALAM**

AT a time when to write itself is often to rebel, the columnist Aakar Patel has made bold to pen *Our Hindu Rashtra: What It Is. How We Got Here*, a scathing criticism of the Hindutva politics of exclusion, hate and violence. Patel, who was the executive director of Amnesty International India until November 2019, reckons that “structurally we have already arrived [at a Hindu Rashtra]” as it does not need any changes in the Constitution.

He also busts the myth of Muslim appeasement and states that the Babri Masjid judgment was one that deprived Muslims of the mosque “through subterfuge and outright theft”. Of the state’s increasing tendency to slap sedition charges on social activists, writers and journalists, he says: “Today, the Indian state’s right to restrict freedom is more important than the right of citizens to enjoy them.”

Aakar Patel is a well-known critic of the Narendra Modi government and a prominent figure on social media. He took a few questions from *Frontline* about his new book. Excerpts from the interview:

The title of your book denotes a certain inevitability to the arrival of Hindu Rashtra.

Structurally, we have already arrived there. The Hindu Rashtra does not require any changes in the Constitution because what is sought to be achieved can be done through existing law and policy. The ending of fundamental rights such as freedom of religion for Christians by criminalising propagation or of occupation for Muslims by banning cattle slaughter came before 2014. What is happening today is the use of the existing law to brutalise India’s minorities in innovative ways.

Theoretically, it is reversible because the Constitution remains, in some ways, intact. The balance of power on individual freedoms, civil liberties and fundamental rights needs to shift from the state back to the citizen, as the Constituent As-

BY SPECIAL ARRANGEMENT

sembly had wanted. Today the Indian state's right to restrict freedom is more important than the right of citizens to enjoy them.

The politics of Hindutva feeds off Muslims. If the nation becomes a de jure Hindu Rashtra, would it not present an existential challenge to votaries of Hindutva?

It appears the votaries of Hindutva either do not care about or only marginally care about the other aspects of governance. In March 2021, we are in the fourth year, 13th quarter and 39th month of sequential decline in GDP (gross domestic product) growth. This is government data. We are at a historic high in unemployment and a historic low in labour force participation. Government data from the NSSO [National Sample Survey Office] also says that Indians were already poorer and eating less in 2018 than in 2013. We have declined further since. There is no dispute about the facts.

But that has not appeared to materially affect either the Prime Minister's popularity or the Bharatiya Janata Party's [BJP] electoral success. So long as the state can find new ways to torture our minorities, especially Muslims, the rest seems excusable. Even ideologically there appears to be no particular end to Hindutva other than the "political defeat of Muslims", a phrase used by Deendayal Upadhyaya in 1965. This seems to be all they care about or mostly care about.

We have sufi shrines in Ajmer, Delhi, Agra, Kashmir where tens of thousands of non-Muslims go for prayers, just as Muslims facilitate the Amarnath pilgrimage. What then accounts for the hypnotic hold of Hindutva, which is anathema to the very idea of India?

It is true that culturally South Asia is pluralist in many ways. This needs to be emphasised by the state. When the state makes laws that pause or reverse pluralism, it eats away at the culture also. This is what has happened on the issue of blasphemy in Pakistan and cattle slaughter in India. What was acceptable in practice became intolerable once it was criminalised. The agency of the state is being used today in India for active persecution. When that is stopped, we have some hope that we return, in time, to some form of natural pluralism and tolerance.

There is a reason why the BJP chooses to emphasise specific things. The reason is that these things promote division in society, and polarisation is profitable because voter choice becomes easier.

We have seen the apex court allowing the Jagannath rath yatra and the bhumi pujan in Ayodhya at the time of the pandemic. How does this relentless appeasement of the majority community sit with the founding principles of our nation?

India is not a secular state, if by that we mean that religion is irrelevant. We could debate if it ever was secular, but the reality is that today India is as majoritarian as the non-secular states in our neighbourhood.

We have laws introducing religious discrimination into citizenship itself. The absence of secularism is visible also in practice.

There is no Hindu Chief Minister in Pakistan's four States, and there is no Muslim Chief Minister in India's 29 States. There is no Muslim Minister at all in 15 Indian States, and in 10 of the remaining States, there is one Muslim minister, who is usually given [the portfolio of] Minority Affairs. In Uttar Pradesh, even the Minority Affairs portfolio tasked with looking after the Waqf is held by a Hindu. Of the 303 Lok Sabha members from the party, there is no Muslim.

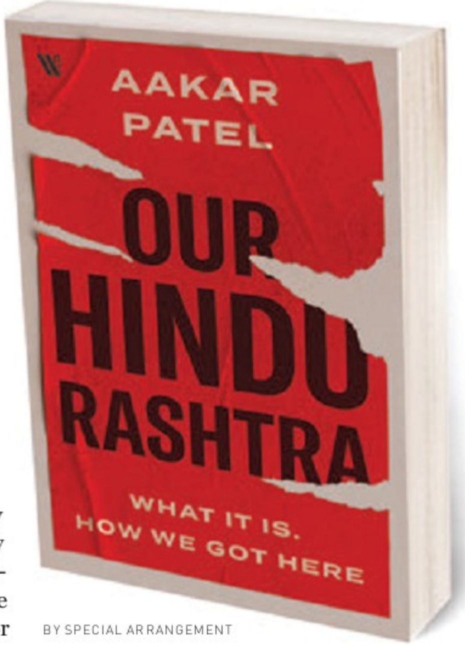
Whether the exclusion on political participation is through law as in Pakistan or in practice as in India, the exclusion is real. Not only does India brutalise and exclude its minorities, this is done while also claiming that they are being "appeased". What the Constituent Assembly may have wanted in terms of safeguards to ensure minority rights has been undone fairly comprehensively.

L.K. Advani spent a lifetime talking of Muslim appeasement without ever backing his claims. Why and how does such a campaign work with the common man?

It appears on the face of it that the success of the BJP was primarily because of the Babri Masjid campaign and the violence produced during that campaign and then sustained after 2002. Emphasising "appeasement" does not appear to have been a significant factor in its rise in popularity.

The Jana Sangh/BJP had no majority of its own in any State until 1990. It is the bloodshed produced by the mobilisation against the mosque—3,000 Indians were killed—that gave it electoral success. However, the continued emphasis on appeasement even after it has achieved success indicates that the BJP does see political benefit in pushing the accusation.

It is of course nonsense to say there is appeasement of Muslims,



BY SPECIAL ARRANGEMENT

"OUR HINDU RASHTRA: What It Is. How We Got Here" by Aakar Patel (Westland, 2020).

> “Future generations will be ashamed of the judgment in the Babri Masjid case. Indian Muslims were deprived of their mosque through subterfuge and outright theft.”

but few have read the findings of the committee led by Justice Rajinder Sachar or are interested in examining the data.

ATTACK ON URDU

We grew up in an age when the Urdu language did not have a religion. How do you look at the way Urdu is not only associated with a certain religious community today but also penalised for the same?

Many Indians do not see Urdu as Hindustani in Perso-Arabic script but as a “foreign” language. One reason is the disinvestment of Hindus, especially Punjabis and Kayasths, from the script. The attack on the script where it has been in popular use, such as in Uttar Pradesh, is quite complete.

TRIPLE TALAQ

The Modi government passed a law against instant triple talaq without consulting the stakeholders.

After the Supreme Court’s judgment invalidating triple talaq in a single sitting, there was no need to criminalise its pronouncement. We are essentially punishing a crime that did not take place. If a Muslim man were to say the word “talaq” three times in one sitting to his wife, this would not dissolve the marriage and it would remain intact.

Using criminal law, which has the power to destroy lives, for a non-event is purely to persecute and harass Muslims. Pronouncing triple talaq attracts as much punishment as IPC 148, rioting with a deadly weapon.

We have the absurd situation where a Hindu man says the word talaq to his wife three times, their marriage is intact and there is no crime. If a Muslim does the same thing, the marriage remains intact but it is still a crime.

In the Babri Masjid case, even the Supreme Court admitted there was no evidence of temple beneath the mosque, yet it did not reflect in the judgment.

Future generations will be ashamed of the judgment in the Babri Masjid case. Indian Muslims were deprived of their mosque through subterfuge and outright theft.

First the conspiracy to smuggle idols into the mosque, done by a bureaucrat who later became Jana Sangh MP; then the allowing by the judiciary of Hindu prayer inside the mosque while stopping Muslims from offering namaz; the determination by the court that a mosque was not essential to Islam because namaz could be offered anywhere; and finally the extraordinary but entirely expected reversal of burden of proof in the final judgment: Muslims were asked to prove that they had been praying in their mosque from the time of its erection, while it was taken for granted that Hindus had offered prayer always.

Handing over the site of the mosque to its vandals is something this nation will not be able to live down.

COW POLITICS

The politics of the cow seems more like a vehicle of hate today. Even historians such as Professor D.N. Jha pointed out that the cow was not a sacred animal in ancient India.

The cow slaughter laws act as a trigger for violence. Lynching as a category of violence was unknown in India until the events of 2015. The Prime Minister pushed his conspiracy of the pink revolution, and goaded States into legislating against cattle slaughter. Maharashtra and Haryana responded and the lynching began.

The punishment for cow slaughter, ostensibly an economic crime, is life imprisonment in Gujarat. The burden of proof in the law has been reversed. One is guilty until proven innocent. A man was convicted in 2019 after being accused of serving beef at his daughter’s wedding and being unable to prove months later that the meat was not in fact beef.

On the other hand, gau rakshaks were shocked when Dalits began dumping cow carcasses in Gujarat’s towns after the barbarism in Una. India has no capacity for self-correction, and the avalanche of laws on this issue and on the so-called love jehad (where also burden of proof is reversed) will trouble us for a long time.

Even as the Indian Constitution regards each citizen as equal, is the bigotry inherent in the Citizenship (Amendment) Act (CAA) a sign of things to come?

The CAA is unconstitutional and against the [United Nations’] International Covenant on Civil and Political Rights. The judiciary has run away from confronting Narendra Modi, but the world has been active in preventing India from brutalising its minorities through the CAA-NRC pincer.

One reason CAA’s rules have not yet been framed is because of heavy opposition to it from the United Nations’ Office of the High Commissioner for Human Rights, which has called CAA “fundamentally discriminatory”, and the pending resolution against CAA in the European parliament, which has yet to be voted on. External pressure on this and other rights issues is important and necessary and welcome because, as I said, India is not self-correcting. □

S. RAMAKRISHNAN, the author of the two stories "Siru Osai" and "Neeraaga maariyavargal", is an influentially important writer of modern Tamil literature. He received the Sahitya Akademi award in 2018 for his Tamil novel "Sanjaaram".

MALINI SESHADRI, the translator of both short stories, has also translated the Tamil writer Bama's novel "Vanmam" and co-authored a series of value education books for schools titled "Living in Harmony".

They fell silent

THE STORIES "Siru Osai" ("They fell silent") and "Neeraaga maariyavargal" ("They turned into water") feature in "Karnalin Naarkaali" by S. Ramakrishnan (Desanthiri Pathippagam, 2020)

AMRITHAVARSHINI was the first to notice it. When she was cooking, a large spoon slipped off the stand and fell to the floor. There was no sound. How could such a large spoon fall on the floor and not produce any sound at all? How could it fall as noiselessly as a feather? Puzzled, she picked up another spoon and dropped it deliberately on the floor. Silence. Now totally baffled, she took out the heavy spoon that anchored the tiffin carrier. She lifted it and let it fall from a height. It landed as silently as a drop of water.

Like a curious child, she picked up spoons of different kinds and tried dropping them one at a time. She even went out on the balcony and tossed a spoon onto the street below to check for a noise on impact. Nothing. No sound out of any of the spoon falls.

In utter confusion by now, she half-hesitantly telephoned her friend Vasantha and told her about her discovery. Vasantha was dismissive and uninterested. So what, she asked. But Varshini persistently asked her to try, and so Vasantha picked up a spoon in her kitchen and dropped it. No sound, she reported.

By that evening, Varshini, had checked with her mother, friends in different parts of the town and quite a few others. It turned out that this phenomenon was not confined to her home or even her town. In all the houses, in all the towns and cities, spoons fell noiselessly to the floor. What had happened to all the spoons? Children lose their voices when a viral fever is raging. Did something similar happen to spoons? Or were spoons under a curse of some kind?

The clatter of a spoon falling to the floor is meant to capture one's immediate attention, like a child's cry. Why did the spoons lose their voices, what could be the reason? She could not accept it as something normal. When her husband returned home from his office that evening, she shared her concern with him. She also told her children about it.

Their uniform response was: "So what if they don't make a noise? They're only spoons. What does it matter?"

True. They are only spoons. So why am I so perturbed? Silent, soundless spoons.... as if they were just drawings on paper. Am I the only one who thinks this way?

There is something unique about one's relationship with spoons, quite distinct from all other kinds of ladles. After sipping honey from a spoon, for instance, she loved to keep licking the empty spoon. Oh, I wish I could just chew up and swallow this spoon, she would think. Once, on his return from a trip to Pondicherry, her husband had brought back chocolates shaped like spoons. When they were stirred into a cup of milk, they melted to make chocolate milk. "Hey, look, we're drinking spoons," the children called out gleefully as they gulped the chocolate milk.

To Varshini, any spoon was like a small hungry girl holding out her hand pleadingly. Does the teaspoon in the salt jar recognise the taste of salt? In the adult world of rice ladles, sambar ladles, dosai ladles... all those ladles with their long handles... spoons are just tiny innocent girls.

That night she grieved for the spoons. Late in the night she even got up and tried dropping a spoon again, just to be sure. Again no sound.

She realised that the small things of the world were beginning to lose their individuality, their voice. When the world is indifferent to so many human voices being throttled, is it likely to care about the silence of spoons?

Poor Varshini, what can she do about this? Except to go to the temple tomorrow and send up a special prayer for spoons.

They turned into water

ONCE upon a time there were four *kullars*, little people, who could instantly change form and turn into water. Their purpose was to seek out flowers that had no

scent and to impart a sweet aroma to them by the touch of a finger. The distress of a scentless flower is indescribable. A flower like this is like a bird flying in the dark of night; the world knows it not. The *kullars* wanted every single flower in the world to be scented.

They wandered through forests and up mountain slopes in search of scentless flowers. Tiny ones, obscure ones, the kinds no one had noticed. With the touch of their magic fingers, they brought a sweet aroma into the lives of the flowers. The flowers danced in joy.

When the four were hungry, they would make their way into villages. These little beings, who possessed the magic of imparting scent with a touch, knew nothing about fending for themselves for survival. So they would beg for food. Wherever they went they were mocked, teased, humiliated. People laughed at them and insulted them for being short-statured. How cruel it is to mock someone for their physical form! No creature other than humans displays such bigotry.

Whenever they grew sad all four of them would change instantly into water. They would shed their individual identities and become one. That closeness, that calm coolness, was like a salve to their distress. Once the sadness was gone, they would transform into their old selves again. In this manner they lived their lives, roaming far and wide, for many years.

Then, when they happened to travel towards the north, they came upon a land ravaged and scarred, a wasteland. What had happened here? Whole villages burnt down to ashes, dead bodies lying around. Even the kinds of flowers that usually wafted their sweet aroma around had turned scentless. Some of the surviving people had limbs missing. "What happened?" asked the *kullars*. "War," they whispered in a trembling whisper. "War."

The four of them were deeply distressed as they made their way through the war-torn wasteland. They met a snail. "My shell is small; yet the war has damaged even this. So here I am with my broken home. War is so cruel...."

"Oh, you poor thing!" exclaimed one of the *kullars*. Further on, they came across an old man who had lost a leg. "Where are you heading to?" he asked them. "All the fields around here have been burnt and destroyed; corpses are floating on the river; there is nothing stirring in any of the villages. Go back to where you came from. Humans destroy their own race to crown themselves rulers. War needs no reason, no cause...."

They asked sorrowfully, "What can we do now?"

The old man spoke: "It is from happiness that sweet scents are born. War has stolen happiness from the world. When joy returns to the world, then you may return too."

The four *kullars* turned instantly into water. They merged and flowed into a pond nearby. They have never taken their old forms since that day. As water, they still wait... ☐

Stories selected by Mini Krishnan

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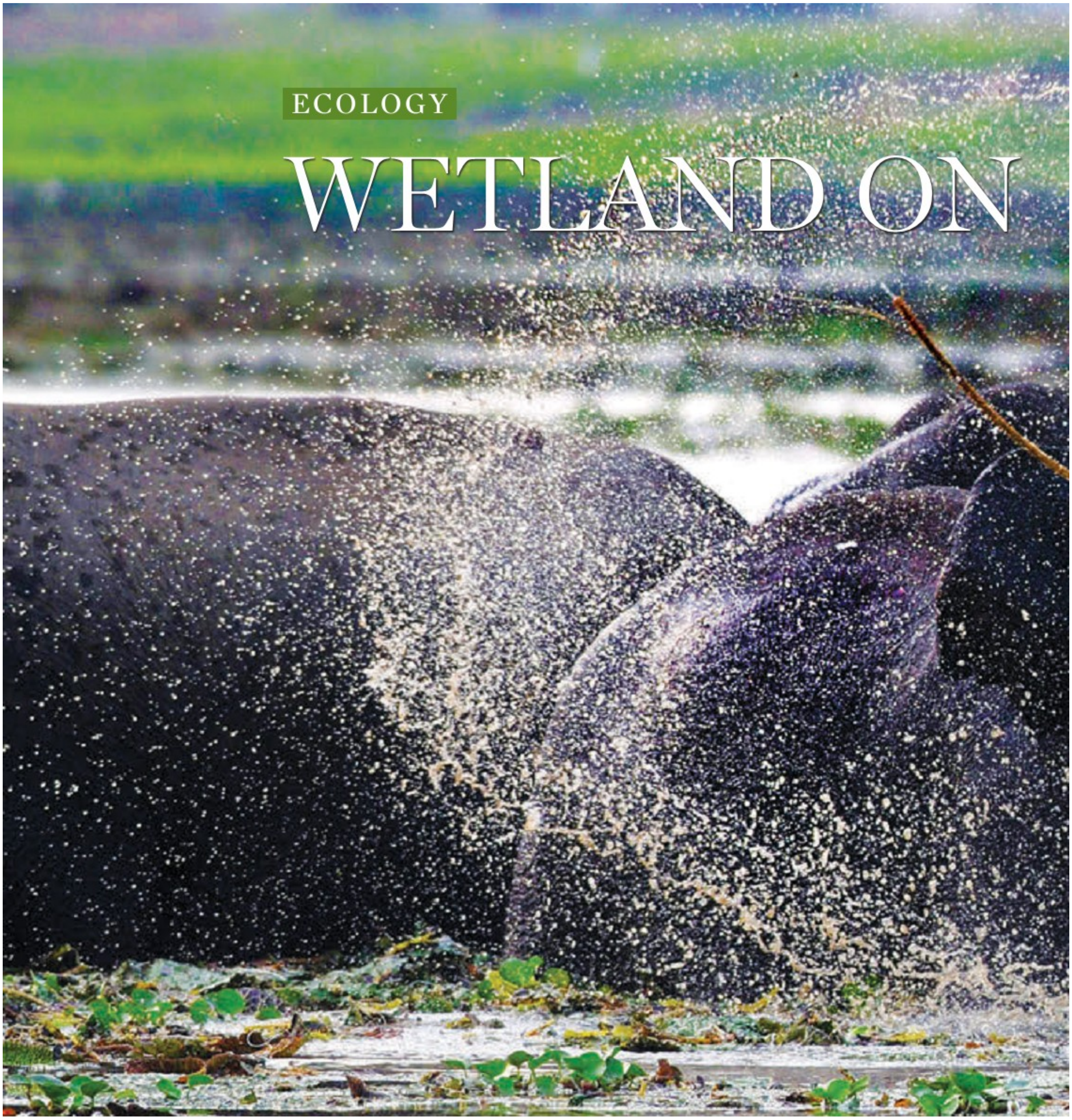
ECOLOGY

WETLAND ON



Deepor Beel, a Ramsar site near Guwahati in Assam, known for its fish and bird diversity and rich aquatic vegetation that attracts wild elephants, faces conservation threats from garbage dumping, quarrying, and the construction of a railway line, besides a smart city project.

Text by SUSHANTA TALUKDAR; Photographs by RITU RAJ KONWAR

THE BRINK

WILD ASIATIC elephants frolicking and foraging in Deepor Beel on the outskirts of Guwahati.

DEEPOR BEEL, a perennial freshwater lake located 10 km south-west of Guwahati city, is the only wetland in Assam designated as a site of importance for "conservation and sustainable use" under the Ramsar Convention on Wetlands. (The international treaty is named after Ramsar in Iran, where it was signed in 1971.)

The landscape of Deepor Beel, a riverine wetland in Kamrup district in the lower Brahmaputra valley, is dynamic, holding attraction for ornithologists, wildlife biologists and environmentalists. It is also a grooming site for bird enthusiasts as it sustains over 200 species of birds, including about 70 species of migratory birds.

Residents of Guwahati often visit or stop over at Deepor Beel for a breath of fresh air and get immersed in the serenity of the landscape. The lake attracts ecotourists and visitors from the across the world. However, the hard realities of increasing conservation threats to this unique biodiversity site lie hidden beneath the spectacular sights.

It is a treat to see wild Asiatic elephants from the Rani and Garbhanga Reserve Forests in Kamrup East Division bathing and feeding on nutritious aquatic food in the wetland. However, there is no guarantee that all the elephants foraging and frolicking in the water will return safely to the four elephant corridors crossing the railway track. For that matter, even their passage to the *beel* (lake) from the hills for a feast of the water hyacinth and shoots, rhizomes and flowers of the giant water lily, commonly known as *makhana* (*Eueyale ferox*), and other aquatic vegetation is fraught with danger.

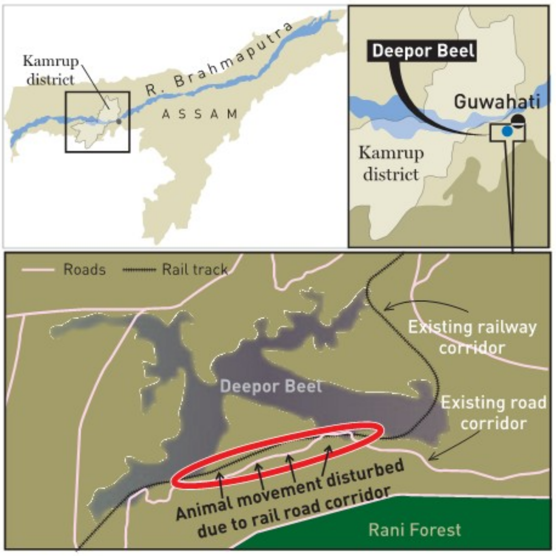
Incidents of elephants getting run over or hit by speeding trains on the railway line running through the reserve forests and the Deepor Beel Wildlife Sanctuary in the section between Azara and Kamakhya railway stations are grim reminders of how environmental activists' warnings against construction of railway lines through the wetland went unheeded. In the past two decades, at least 15 wild elephants were hit by passing trains while crossing the railway track.

About 50 fish species and aquatic resources provide livelihood support to about 1,200 households residing in about 12 villages on the fringes of the wetland. Some residents of these villages can be seen rowing their flat-bottomed boats to collect seeds of the giant water lily and nymphaea nuts that are in high demand in local markets.

Unregulated and increasing fishing activities have come into conflict with the activities of migratory birds. The winged visitors use the wetland as a staging site for depositing fats by preying on the fish species. Birdlife international declared Deepor Beel as an Important Bird Area (IBA) site. Some of the unique migratory bird species that can be spotted here are the white-eyed pochard, the greylag goose, Baer's pochard and the gadwall, a dabbling duck.

THE ECOSYSTEM

The Deepor Beel, which was notified under the Guwahati Water Bodies (Preservation and Conservation) Act, 2008, is the only major storm water drainage for the

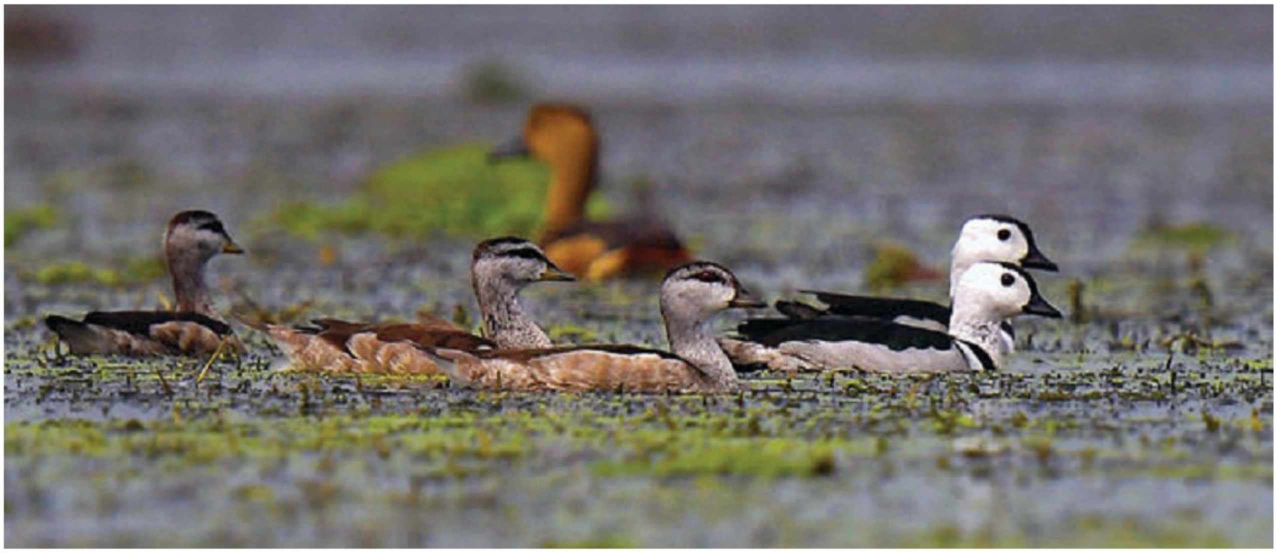


SOURCE: GUWAHATI SMART CITY LIMITED

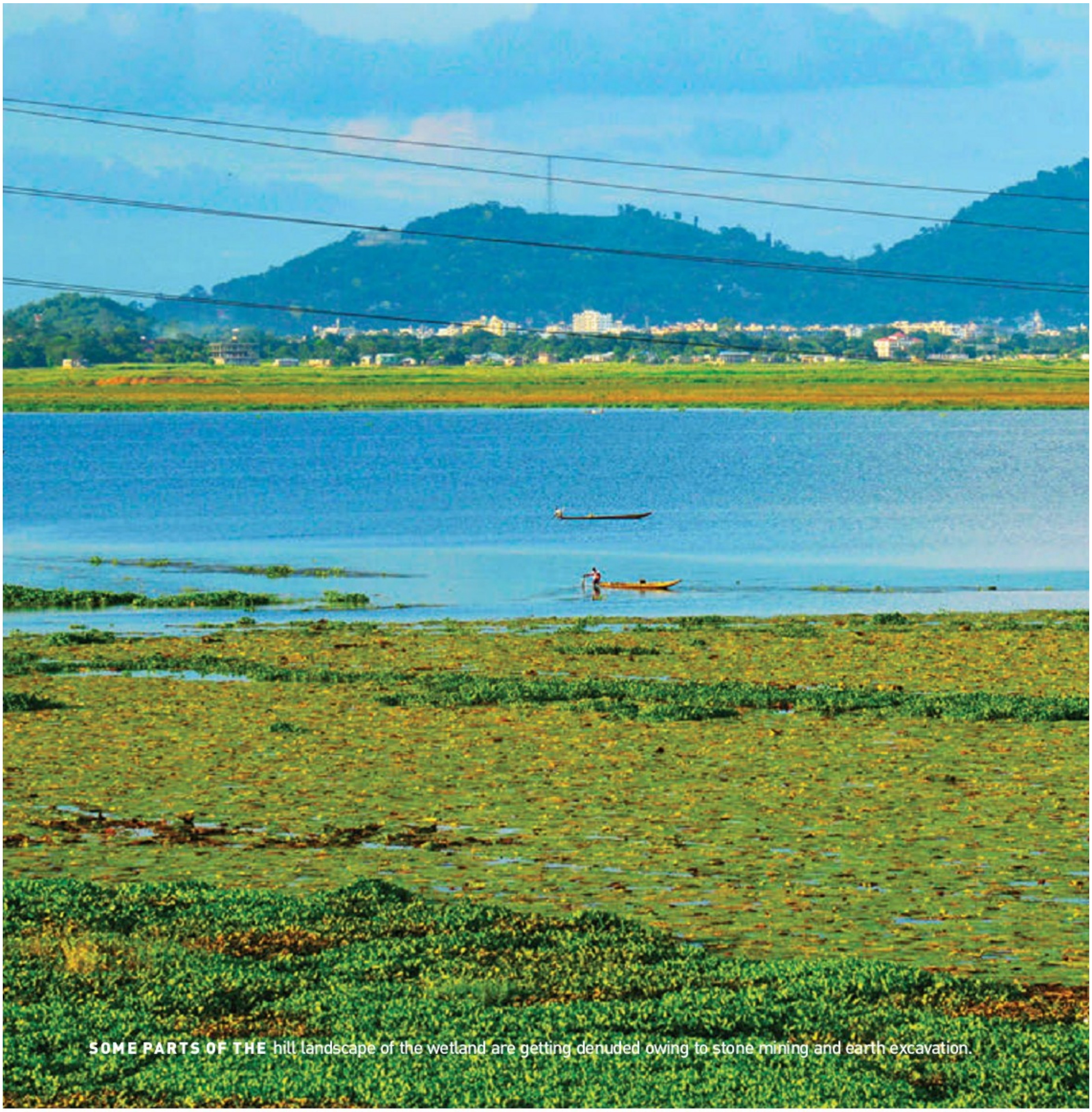
THE RAIL and road corridors around Deepor Beel.

EGRETS IN FLIGHT over the "beel" (lake)

A PAIR OF RUDDY SHELDUCK.



A FLOCK OF two male and three female cotton pygmy goose, or cotton teal.



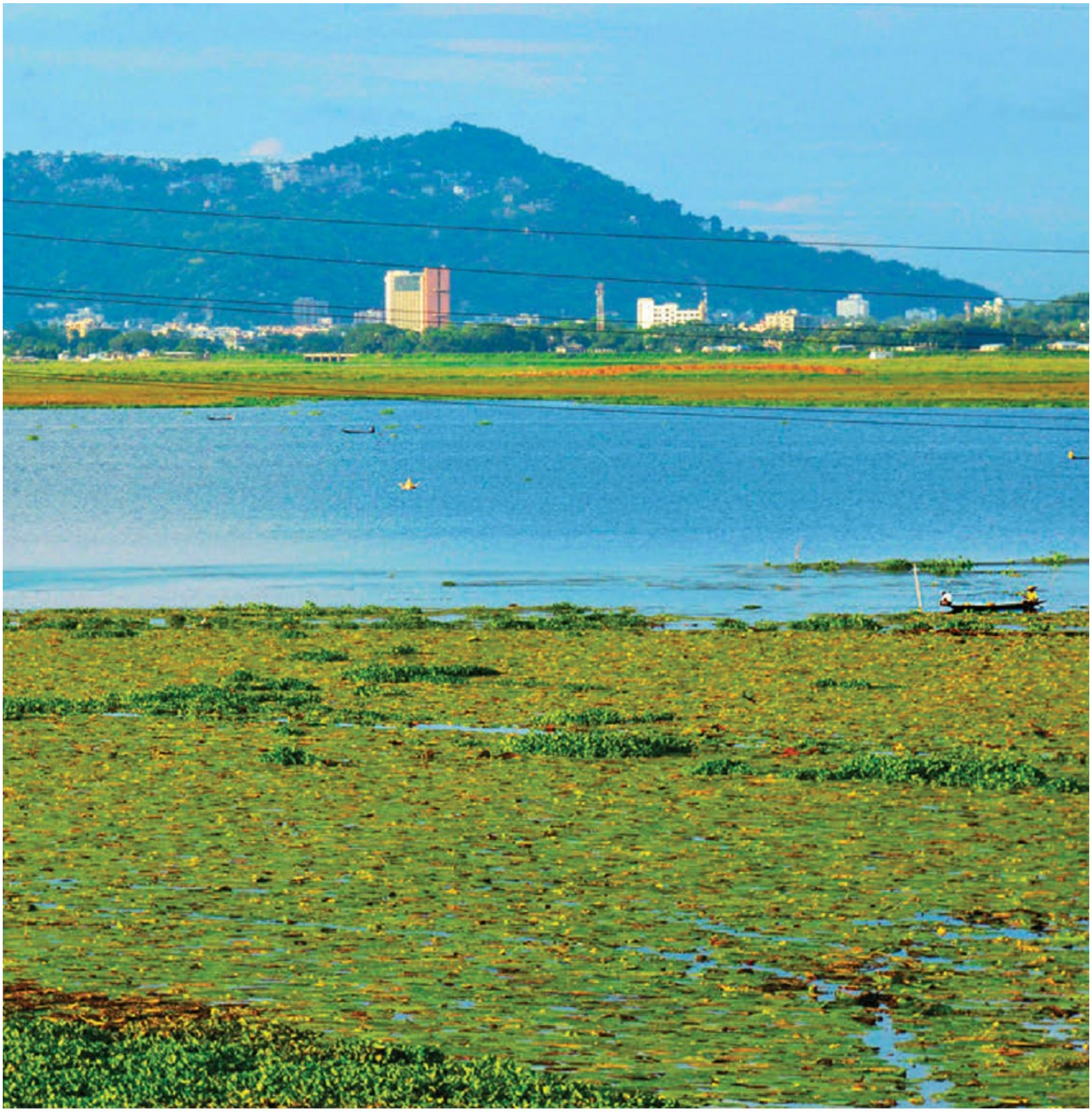
SOME PARTS OF THE hill landscape of the wetland are getting denuded owing to stone mining and earth excavation.

ever-expanding capital city. Mora Bharalu, an abandoned 13.5-km-long channel of the river Bharalu, which flows through the city, and the Basistha-Bahini rivers are the inlets that carry rainwater and untreated sewage to Deepor Beel. The city with a population of 12 lakh does not have a sewage treatment plant. The Khandajan outlet situated in the north-eastern section of the *beel* is connected with the river Brahmaputra.

The Rani and Garbhanga hills, the habitat of the Asiatic elephants in the southern side of the *beel*, are part of this ecosystem. Some parts of the hill landscape of the wetland are getting denuded owing to stone mining and earth excavation while heaps of unsegregated municipal solid waste from Guwahati are getting dumped in the Boragaon landfill site near the wetland.

The major villages in the catchment areas of the wetland are Chakardeo, Pamohi, Sakardhum Mikir, Matia Pahar, Deochotal, Maghuwapara, Banghara Than, Dharapur Chariali, Gorchuk and Boragaon.

Following a right to information (RTI) petition, the National Green Tribunal (NGT) directed the Assam government to take steps to declare Deepor Beel an eco-sensitive zone in order to address the growing conservation threats to it. The government has submitted the



draft notification to the Union Ministry of Environment, Forest and Climate Change. The NGT, in its order on December 1, 2020, directed the Ministry to file a status report.

FRAGMENTATION OF ELEPHANT HABITAT

In its affidavit to the NGT, the State government stated that the Wildlife Institute of India proposed in 2019—on the basis of a feasibility study conducted by the Delhi Integrated Multi-Modal Transit System Limited for alternative alignment of the railway line in order to avoid the elephant corridor between Azara and Kamakhya stations—that the most suitable alternative would be "realignment/northern alignment of the railway track outside 'Deepar Beel' as it will completely avoid the elephant-prone area and also it will not affect the entire 'Deepor Beel' and any major habitations". This was the same suggestion put forward by those who opposed the construction of the railway track running through the wetland decades ago.

The Northeast Frontier Railway authorities are yet to take a decision on the realignment of the track. Nripendra Bhattacharyya, Public Relations Officer, Northeast Frontier Railway, told *Frontline:* "Work of doubling of

THE HINDU

A FLOCK OF GLOSSY IBIS.

A GREY HERON.

the railway line from New Bongaigaon to Guwahati via Goalpara is progressing but work on Azara-Kamkhaya section (about 16 km) through the Deepor Beel on this route has been delayed as final decision is still pending."

SHRINKING AREA

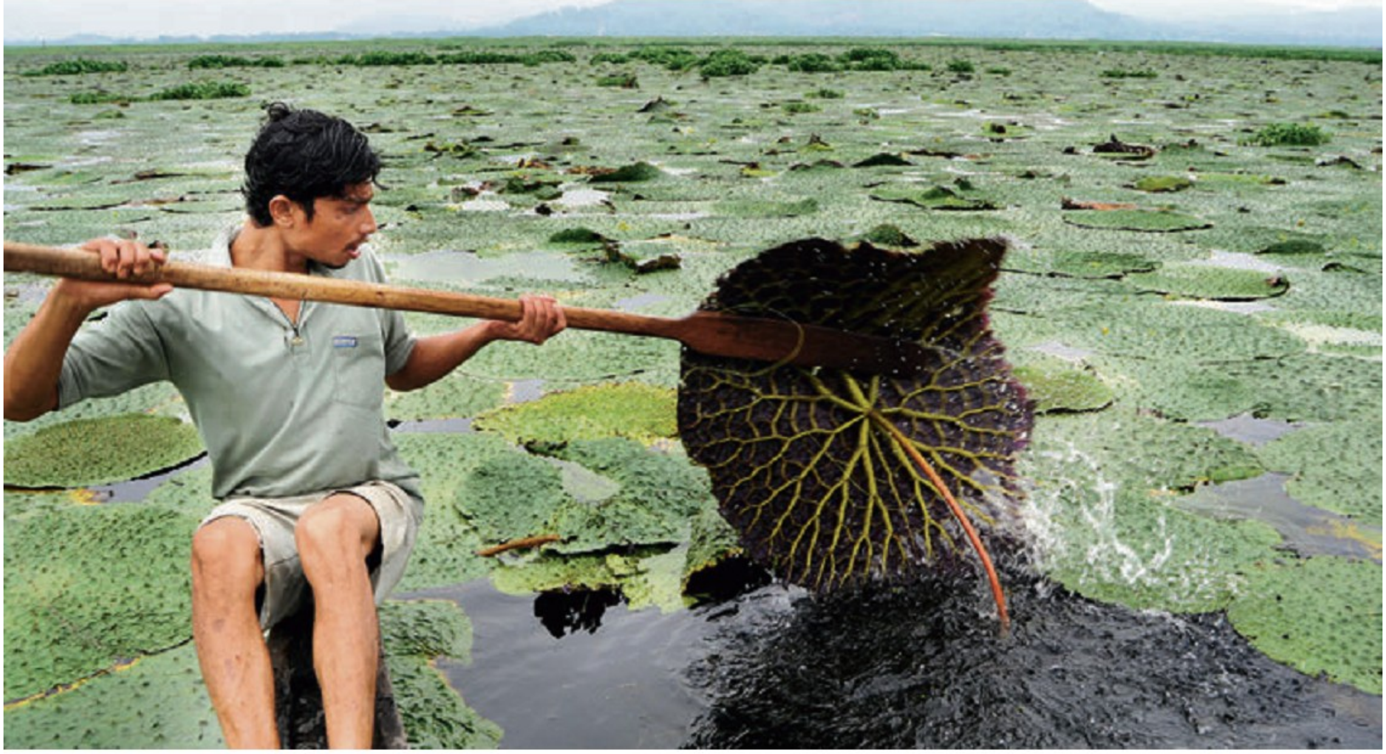
Contradictory positions of the River Rejuvenation Committee (RRC), Assam, and Guwahati Smart City Projects Limited on the total area of Deepor Beel is a reflection of the hard realities of the wetland standing at the crossroads of development priorities and conservation challenges.

"The notified area of the *beel* is about 6.89 sq. km. Though earlier reports indicate 40 sq. km of *beel* area, the current total wetland area is about 13 to 15 sq. km," claims Guwahati Smart City Projects Limited. The Action Plan for Deepor Beel approved by the RRC, on the other hand, states: "Ramsar Convention in 2002 declared 40.14 sq. km as Deepor Beel wetland and 4.14 sq. km area was proposed as a bird sanctuary under the Wildlife Protection Act of India, 1972 (Government of Assam, 1989).

According to the Assam Forest Department, the entire range of land starting from Deochotal to Chakradeo and beyond to the east and west was used by the wild elephants of Rani and Garbhnaga forests as passage to Deepor Beel. "The *beel* is part of the elephant habitat and contiguous to Rani and Garbhanga reserve forests. Increased presence of human beings on the southern bank of the wetland may lead to stopping of the movement of wild elephants from Rani and Garbhanga reserve forests to Deepor Beel permanently," it said. The department wrote to the Guwahati Smart City Projects Limited authorities suggesting that the watch tower and a restaurant with a picnic spot should be constructed on the northern bank of the lake as per the Government of India's Wetlands (Conservation and Management) Rules, 2017.

Jitendra Kumar, Divisional Forest Officer (DFO), Guwahati Wildlife Division, wrote to the Principal Chief Conservator of Forest and Chief Wildlife Warden on August 4, 2020, expressing the opinion that "all the development planning of Deepor Beel shall take place

COMMUNITY FISHING in the lake. A file picture. Unregulated fishing is threatening the lake's ecosystem.



ONCE ABUNDANT in the wetlands of the north-eastern region, the giant water lily is now found only in a few wetlands because of large-scale harvesting of its seeds by destroying the plant. A villager turns the leaf to collect the seeds, in Deepor Beel.

after proper demarcation of its boundary and preparation of the Integrated Management Plan as per the new Wetlands (Conservation and Management) Rules, 2017, and giving due consideration of the movement of wild elephants." In the DFO's opinion, "the Deepor Beel Wildlife Sanctuary is an integral part of the Deepor Beel Wetland and it cannot be managed and developed alone".

CONSERVATION THREATS

An experts' team constituted by the erstwhile Planning Commission in 2008 to review the status of implementation of the National Wetland Conservation and Management Programme of the Ministry of Environment and Forests identified the following major threats to the Deepor Beel ecosystem: Fragmentation of hydrological regime, siltation, pollution, encroachment and land reclamation, species invasion, including alien species, unregulated recreation and tourism, over-harvesting of resources and climate change.

"Large-scale encroachment, heavy siltation from the denuded hills surrounding the *beel*, accumulation of all sorts of filth and wastes from the Bharalu and Bahini rivers, unregulated fishing practice, invasion of aquatic weeds, industrial development within its periphery, construction of railway line along the southern boundary, quarrying within the *beel* ecosystem, etc., have pushed this once-pristine ecosystem to the brink of disappearance," the report submitted by the expert team stated.

The threats have only increased over the past decade

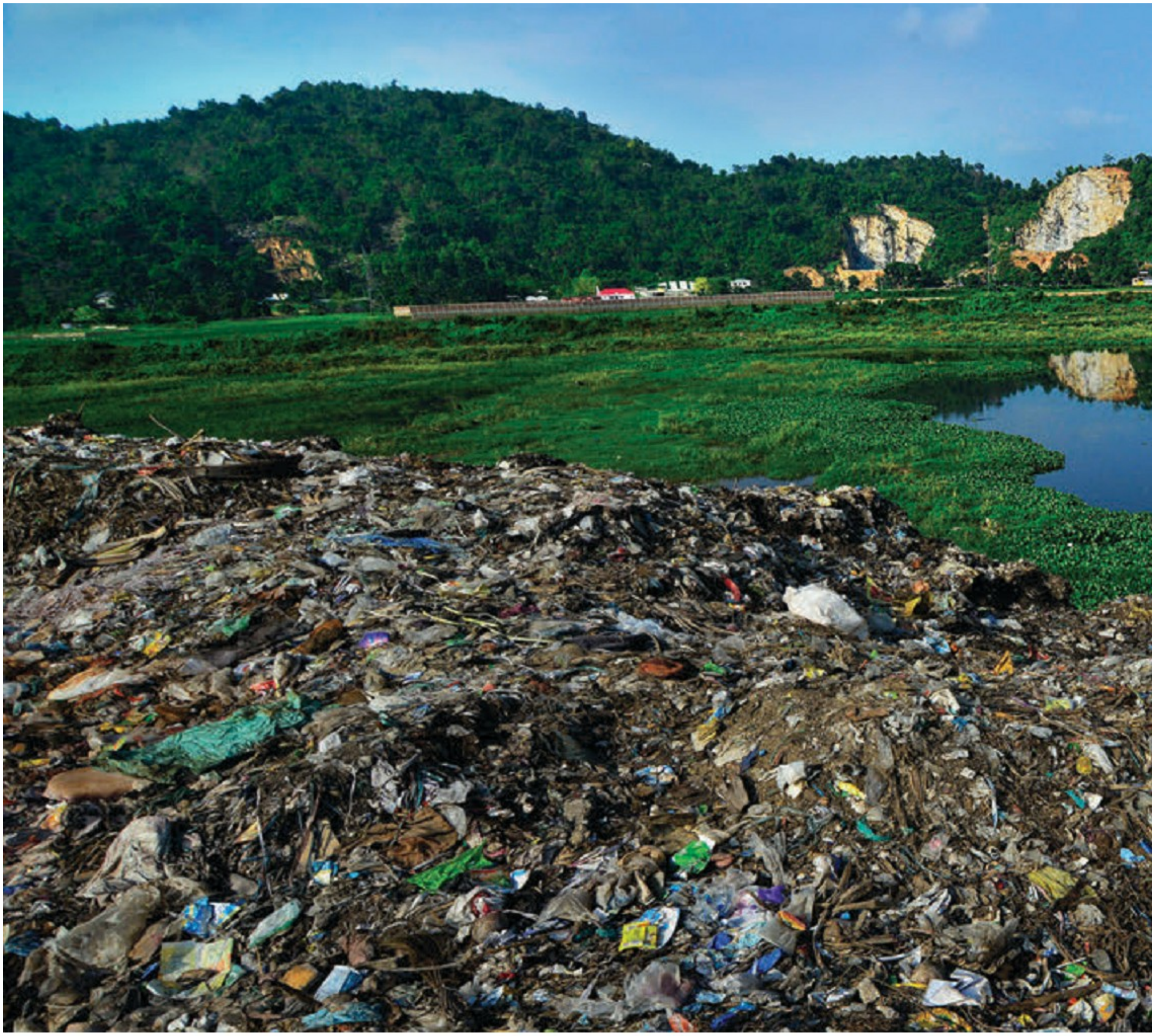
ACCORDING TO the Assam Forest Department, the increased presence of human beings on the southern bank of the wetland may prevent the movement of wild elephants from the Rani and Garbhanga forests.

or so. The Action Plan for Deepor Beel approved by the RRC corroborates this. "The total area of the polluted stretch of Deepar Beel is 40.14 sq. km. The area has been suffering from environmental degradation due to continuous encroachment and waste dumping as the Guwahati Municipality dump yard (24 hectares) located in Boragaon, lies in the eastern corner of Deepor Beel. The encroachment of the *beel* is very evident and rampant as there are a number of dwelling units and cement structures and hence encroachment and settlements around the periphery has contributed to the shrinking of the *beel*. The wetland ecosystem is disturbed by the railways' railroad in the southern boundary and the embankment for the railroad has resulted in the water flow blockage," states the plan.

The *beel* has 111 species belonging to free floating, submerged and emergent weeds/plants besides swamp/marsh and wetland hydrophytes while the fauna in the wetland and adjacent forests comprise some 201 species of birds and 21 species of mammals. (Source: presentation by Dr Joideep Barua, who heads the Environment Assam Science Technology and Environment Council, to the Planning Commission Expert Team.)

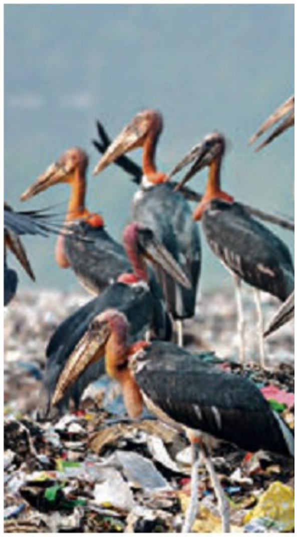
DUMPING SITE

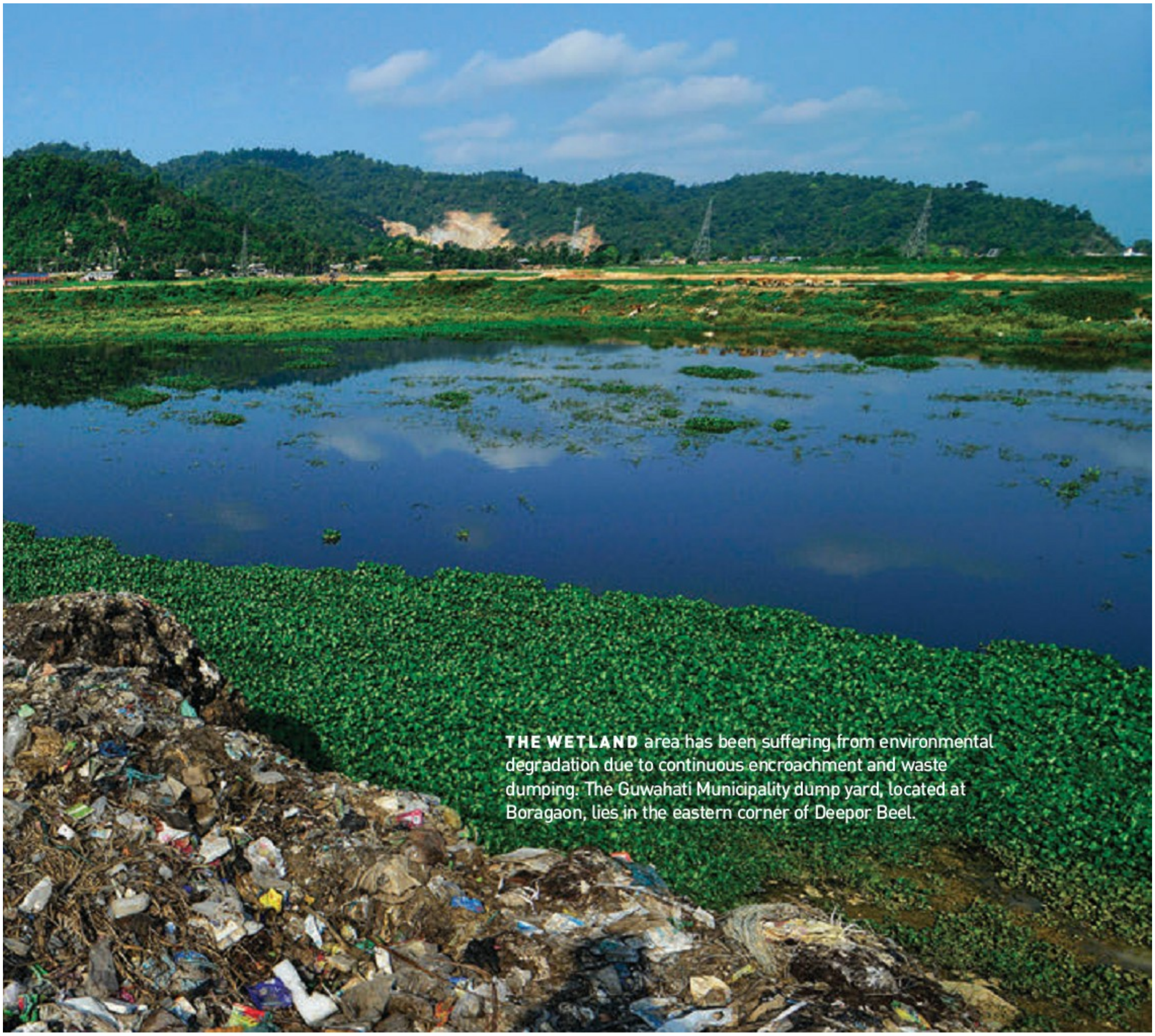
Adjutant storks and rag pickers sharing scavenging space at the dumping site at Boragoan and the dumping site posing a threat to the wetland are pixels of an enlarged picture of a flawed model of development that often comes into conflict with environment protection. Smoke



ACCORDING TO EXPERTS, many fish species in Deepor Beel have become extinct and many are facing the threat of extinction because of continuous water pollution.

(RIGHT AND FAR RIGHT) Rag pickers and a muster of greater adjutant storks at the garbage dumping site.



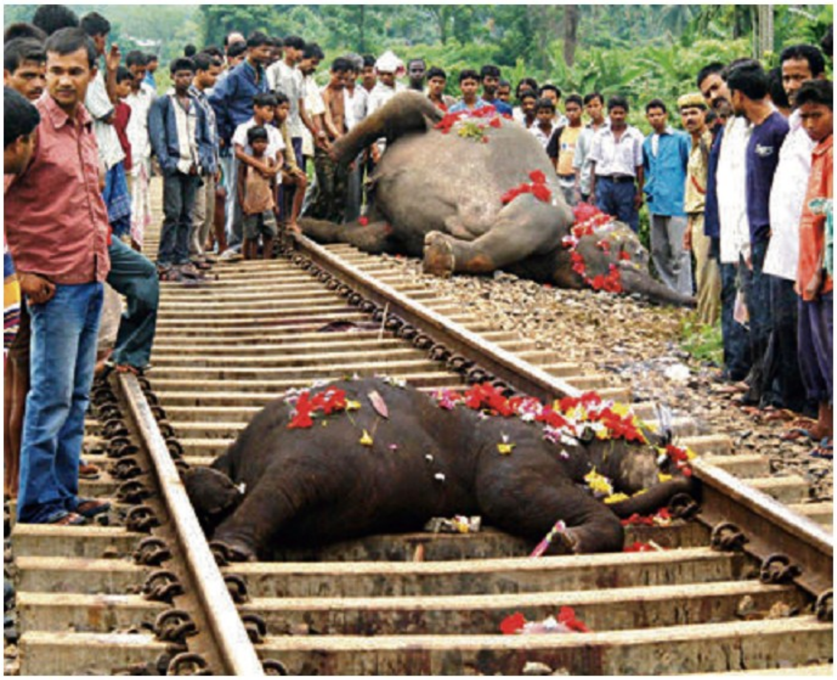


THE WETLAND area has been suffering from environmental degradation due to continuous encroachment and waste dumping. The Guwahati Municipality dump yard, located at Boragaon, lies in the eastern corner of Deepor Beel.

THE WETLAND ecosystem is disturbed by the railroad in its southern boundary.

ANUPAM NATH/AP

AN ELEPHANT CROSSING a railway track running along Deepor Beel. (Right) A seriously injured baby elephant.



TWO ASIATIC ELEPHANTS KNOCKED DOWN by a passing train.

PTI

UNPLANNED URBANISATION around Deepor Beel has reduced the original water spread area.

FURTHER ALTERATION of the "beel" landscape can cause flash floods.

billowing from heaps of unsegregated and untreated solid waste and the stink emanating from the filthy and hazardous waste fail to deter rag pickers as their livelihood compulsion overshadows health hazards.

In response to an application filed by the RTI activist Rohit Choudhury, the Assam government submitted to the NGT on June 23, 2015, through an affidavit that "steps have been initiated to shift the municipal dumping site away from West Boragaon". More than five years and eight months have elapsed since then, but heaps of garbage have only grown bigger as the municipal waste of Guwahati city continues to be dumped there. The government submitted to the NGT that the dumping site would be shifted once the four proposed decentralised solid waste management facilities in the city commenced and gave December 31, 2019, as the tentative date for discontinuation of dumping at the Boragoan landfill site.

"This wetland is not only known for its fish and bird diversity but is a major natural water reservoir for Guwahati city and its adjoining areas. Its conservation is crucial to avoid an ecological catastrophe in the area, which could affect local livelihood," says Bibhab Kumar Talukdar, secretary general and chief executive officer of Aaranyak, an organisation engaged in research in biodiversity and environment conservation advocacy.

UNPLANNED URBANISATION

However, in the past two decades, unplanned urbanisation around Deepor Beel has reduced the original water spread area, which is a cause of worry. If the existing landscape of Deepor Beel is further altered, it could trigger flash floods in the area, warns Bibhah Kumar Talukdar, an internationally acclaimed wildlife expert.

The experts' team sounded the alarm bell in its report: "Deepor is the best indicator of the environmental quality of the city, and the day the birds cease to flock the *beel*, it will confirm the complete transformation of the once green city into a quagmire of pollution."

Inordinate delay in preventing garbage dumping at the site, demarcation of the wetland's boundary, notification of the eco-sensitive zone and implementation of an integrated management plan is pushing DeeporBeel to the brink. The growth of commercial, institutional and residential activities in the wetland landscape has sought to amplify the fears expressed by environmental experts 12 years ago. ☐

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